

EXHIBIT 22

LINDA BOYD

January 11, 2017

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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

KIMBERLY COLE, et al.,

Plaintiffs,

VS.

CIVIL ACTION NUMBER

13-CV-07871-FLW-TJB

NIBCO, INC.,

Defendant.

The testimony of LINDA BOYD, taken at the
Hampton Inn, 3152 Abbey Lane, Foley, Alabama, on the
11th day of January 2017, commencing at approximately
8:45 a.m.

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<p style="text-align: right;">Page 2</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>1</p> <p>2</p> <p>3</p> <p>4 FOR THE PLAINTIFF: CHIMICLES & TIKELLIS, LLP</p> <p>5 ATTORNEYS AT LAW</p> <p>6 ONE HAVERFORD CENTRE</p> <p>7 361 WEST LANCASTER AVENUE</p> <p>8 HAVERFORD, PENNSYLVANIA 19041</p> <p>9 BY: ANDREW W. FERICH, ESQ.</p> <p>10</p> <p>11 FOR THE DEFENDANT: LATHROP & GAGE, LLP</p> <p>12 ATTORNEYS AT LAW</p> <p>13 2345 GRAND BOULEVARD, SUITE 2200</p> <p>14 KANSAS CITY, MISSOURI 64108</p> <p>15 BY: ERIC WESLANDER, ESQ.</p> <p>16</p> <p>17 JULIA S. ISENHOWER, CCR, RPR</p> <p>18 COURT REPORTER</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p style="text-align: center;">S T I P U L A T I O N</p> <p>1</p> <p>2 It is stipulated by and between the parties</p> <p>3 hereto and their respective attorneys at law that the</p> <p>4 deposition on oral examination of the witness, LINDA</p> <p>5 BOYD, may be taken before Julia S. Isenhower,</p> <p>6 Commissioner and Notary Public for the State at</p> <p>7 Large, and that the said deposition shall be taken in</p> <p>8 accordance with the provisions of the applicable</p> <p>9 sections of the Federal Rules of Civil Procedure.</p> <p>10 It is further stipulated that all notices</p> <p>11 provided for by said applicable sections of the</p> <p>12 Federal Rules of Civil Procedure are waived, as is</p> <p>13 the reading over of said deposition to or by the</p> <p>14 witness, the signing thereof by the witness; and the</p> <p>15 signing and certification of said Julia S. Isenhower</p> <p>16 and all other requirements and technicalities of</p> <p>17 every sort regarding the taking and filing of the</p> <p>18 deposition, except as hereinafter set out:</p> <p>19 All objections save as to the form of</p> <p>20 questions asked are reserved until the time of trial</p> <p>21 in accordance with the applicable provisions of the</p> <p>22 said Federal Rules of Civil Procedure.</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p style="text-align: center;">I N D E X</p> <p>1</p> <p>2</p> <p>3 Examination: Page:</p> <p>4 By Mr. Weslander.....5</p> <p>5 By Mr. Ferich.....112</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10 Defendant's Exhibit: Page:</p> <p>11 1. Notice of deposition.....16</p> <p>12 2. Second amended class complaint.....23</p> <p>13 3. 24/7 All Services invoices.....35</p> <p>14 4. 24/7 invoice.....76</p> <p>15 5. Interrogatory answers.....77</p> <p>16 6. Photograph.....88</p> <p>17 7. Photograph.....90</p> <p>18 8. Photograph.....92</p> <p>19 9. Cover sheet included with pipe</p> <p>20 sent to NIBCO.....93</p> <p>21 10. NIBCO response letter.....95</p> <p>22 11. Production documents.....102</p> <p>23 12. NIBCO letter.....109</p> <p>24 13. Return authorization.....110</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p style="text-align: center;">LINDA BOYD</p> <p>1</p> <p>2 The witness, having been duly sworn to speak</p> <p>3 the truth, the whole truth and nothing but the truth,</p> <p>4 testified as follows:</p> <p>5 EXAMINATION</p> <p>6 BY MR. WESLANDER:</p> <p>7 Q Ms. Boyd, good morning.</p> <p>8 A Good morning.</p> <p>9 Q My name is Eric Weslander. I represent the</p> <p>10 defendant, NIBCO, in this case. We met just a minute</p> <p>11 ago.</p> <p>12 Could you please just state your full name</p> <p>13 for the record?</p> <p>14 A Linda Joy Boyd.</p> <p>15 Q And your address?</p> <p>16 A 13467 Sanctuary Drive, Foley, Alabama.</p> <p>17 Q Have you ever given a deposition before, Ms.</p> <p>18 Boyd?</p> <p>19 A No, I haven't.</p> <p>20 Q Okay. There are a few ground rules, I</p> <p>21 guess, if you will, that I'll walk you through right</p> <p>22 now just to help make this process go more smoothly.</p> <p>23 First of all, you understand that you are</p> <p>24 under oath today just the same as if you were sitting</p> <p>25 in a courtroom in front of a judge, right?</p>

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<p style="text-align: right;">Page 6</p> <p>1 A Yes.</p> <p>2 Q And the court reporter here will be taking</p> <p>3 down all my questions and your answers and will</p> <p>4 eventually prepare a transcript that can be used</p> <p>5 later in this case, including at trial. Do you</p> <p>6 understand that?</p> <p>7 A Yes, I do.</p> <p>8 Q Okay. You are not going to have a problem</p> <p>9 with this, I can tell, but we always tell witnesses</p> <p>10 let's try to talk one at a time just so that the</p> <p>11 court reporter can take down answers.</p> <p>12 A Okay.</p> <p>13 Q Some people, you know, try to field an</p> <p>14 answer before the question comes out, so I just ask</p> <p>15 you to wait until I've asked it and that will make</p> <p>16 her job easier and give us a better record, okay?</p> <p>17 A Okay.</p> <p>18 Q Also we need to have a verbal response for</p> <p>19 that same reason. You can't answer by shaking your</p> <p>20 head or nodding your head; you have to say yes or no.</p> <p>21 Fair enough?</p> <p>22 A Okay.</p> <p>23 Q All right. If you don't understand a</p> <p>24 question at any point, let me know and I will do my</p> <p>25 best to rephrase. But if you answer, I'll assume</p>	<p style="text-align: right;">Page 8</p> <p>1 A The 24/7 repairs and receipts that I have</p> <p>2 given.</p> <p>3 Q Okay. And as far as clarification of some</p> <p>4 of the terminology I may use in my questions, I</p> <p>5 represent NIBCO and they are the defendant in this</p> <p>6 lawsuit. They manufacture plumbing materials. You</p> <p>7 know that, right?</p> <p>8 A Yes.</p> <p>9 Q Okay. And so if I use NIBCO, I'm referring</p> <p>10 to my client, the defendant NIBCO.</p> <p>11 PEX. I will probably use that term a lot.</p> <p>12 And you understand that that's a type of plastic</p> <p>13 tubing used in plumbing systems?</p> <p>14 A I do.</p> <p>15 Q And that there are various manufacturers of</p> <p>16 PEX, right?</p> <p>17 A Yes.</p> <p>18 Q Okay. So I will try to use -- if I'm</p> <p>19 referring to PEX generally, I'll say PEX. If I'm</p> <p>20 referring to NIBCO PEX specifically, I'll use NIBCO</p> <p>21 PEX. Fair enough?</p> <p>22 A Okay.</p> <p>23 Q Okay. And I might use the terms tubing and</p> <p>24 piping interchangeably.</p> <p>25 A Okay.</p>
<p style="text-align: right;">Page 7</p> <p>1 that you understood. Fair enough?</p> <p>2 A Yes.</p> <p>3 Q Okay. And if you need a break at any time,</p> <p>4 please just let me know.</p> <p>5 A Okay.</p> <p>6 Q This is not the Spanish Inquisition. If you</p> <p>7 need to get a drink or anything like that, just let</p> <p>8 me know and we'll go off the record for a bit.</p> <p>9 Are you today taking any medications or is</p> <p>10 there anything going on in your life that would</p> <p>11 prevent you from giving complete, accurate, truthful</p> <p>12 answers to my questions?</p> <p>13 A No.</p> <p>14 Q Okay. Let's talk briefly through your</p> <p>15 preparation for today. What did you do to prepare</p> <p>16 for your deposition this morning?</p> <p>17 A Went over my documents and spoke with my</p> <p>18 attorney in preparation.</p> <p>19 Q Anything else?</p> <p>20 A No.</p> <p>21 Q Okay. Did you talk to anyone else about</p> <p>22 your deposition coming up today?</p> <p>23 A No, just my attorney.</p> <p>24 Q Okay. Do you recall what documents you</p> <p>25 looked at?</p>	<p style="text-align: right;">Page 9</p> <p>1 Q If I say one or the other, I mean the same</p> <p>2 thing, the tube or the pipe that water goes through.</p> <p>3 A Okay.</p> <p>4 Q And you understand that you are a named</p> <p>5 plaintiff in this lawsuit against NIBCO?</p> <p>6 A I do.</p> <p>7 Q Okay. And are you aware of the allegations</p> <p>8 that you've made against NIBCO?</p> <p>9 A Yes.</p> <p>10 Q Okay. And what are those in your own words?</p> <p>11 A The warranties, express, implied; liability;</p> <p>12 negligence.</p> <p>13 Q Are you aware you've alleged there was a</p> <p>14 NIBCO PEX tubing in your home and that it leaked?</p> <p>15 A Yes.</p> <p>16 Q Okay. How did you come to be involved in</p> <p>17 this lawsuit?</p> <p>18 A Once my home experienced one leak, I just</p> <p>19 started researching on the Internet and Googled</p> <p>20 information.</p> <p>21 Q Okay.</p> <p>22 A And that's actually where the NIBCO name</p> <p>23 came. And just researched on the Internet others</p> <p>24 having the same issues.</p> <p>25 Q Okay. We can come back and talk about that</p>

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<p style="text-align: right;">Page 10</p> <p>1 in a bit.</p> <p>2 Let's talk just a little bit about your</p> <p>3 background. You live here in Foley, correct?</p> <p>4 A Correct.</p> <p>5 Q And tell me. Where were you born?</p> <p>6 A Sumter, South Carolina.</p> <p>7 Q And your date of birth?</p> <p>8 A 11-20-62.</p> <p>9 Q You are married, correct?</p> <p>10 A I am.</p> <p>11 Q And your husband's name is --</p> <p>12 A Bradley Boyd.</p> <p>13 Q How long have you been married?</p> <p>14 A Eight years.</p> <p>15 Q Any children?</p> <p>16 A No. Two stepchildren.</p> <p>17 Q Okay. Do they live with you?</p> <p>18 A No.</p> <p>19 Q Tell me about your educational background.</p> <p>20 A I'm a high school graduate and just</p> <p>21 continued education in bookkeeping and that kind of</p> <p>22 thing at a junior college here.</p> <p>23 Q When you say here --</p> <p>24 A I'm sorry.</p> <p>25 Q That's okay. Where?</p>	<p style="text-align: right;">Page 12</p> <p>1 Q What was the experience?</p> <p>2 A He was a contractor.</p> <p>3 Q What was the company name?</p> <p>4 A He was self-employed, H. B. Guy Construction</p> <p>5 Company.</p> <p>6 Q And based where?</p> <p>7 A Bay Minette, Alabama.</p> <p>8 Q And you say you had had experience with</p> <p>9 construction. Was it through just watching the</p> <p>10 operation of that company or did you personally do</p> <p>11 construction yourself?</p> <p>12 A Just being married to him.</p> <p>13 Q Okay. Got it.</p> <p>14 And what about plumbing? Have you ever</p> <p>15 installed or repaired plumbing yourself?</p> <p>16 A No.</p> <p>17 Q Okay. So let's talk about the home that is</p> <p>18 at issue in this case. It looks as though it was a</p> <p>19 new home constructed in 2008. Is that correct?</p> <p>20 A Correct.</p> <p>21 Q Okay. Tell me about how you came to</p> <p>22 purchase this particular home.</p> <p>23 A We were researching the area in Foley,</p> <p>24 Alabama, and Adams Homes has a subdivision there. We</p> <p>25 were really wanting to finance with them with the</p>
<p style="text-align: right;">Page 11</p> <p>1 A In Bay Minette, Alabama, Faulkner College, a</p> <p>2 junior college.</p> <p>3 Q Okay. And it was bookkeeping you said?</p> <p>4 A Yes.</p> <p>5 Q Okay. And when did you do that course of</p> <p>6 study?</p> <p>7 A 1980 and '84, 1984.</p> <p>8 Q Gotcha. And what do you do after that?</p> <p>9 A I owned a daycare business, state licensed,</p> <p>10 and worked for Walmart Stores, Incorporated, for</p> <p>11 12 years, and my current job, which is insurance</p> <p>12 clerk, for 15 years.</p> <p>13 Q Where is your employer or what is your</p> <p>14 employer?</p> <p>15 A Bayside Orthopaedics, Fairhope, Alabama.</p> <p>16 Q Insurance clerk. So you deal with a lot of</p> <p>17 insurance claims and processing?</p> <p>18 A Medical.</p> <p>19 Q Okay.</p> <p>20 A Medical.</p> <p>21 Q Okay. Have you ever had any experience with</p> <p>22 construction?</p> <p>23 A Yes.</p> <p>24 Q Tell me about that.</p> <p>25 A My previous marriage.</p>	<p style="text-align: right;">Page 13</p> <p>1 incentives that they had, and that house was under</p> <p>2 construction so we kind of picked it up in the middle</p> <p>3 of that construction.</p> <p>4 Q Okay.</p> <p>5 A It was Adams Homes.</p> <p>6 Q So you were aware of the reputation or you</p> <p>7 knew of the company of Adams Homes?</p> <p>8 A Correct.</p> <p>9 Q And tell me about this subdivision. I'm</p> <p>10 guessing it is new homes that were all being built</p> <p>11 around the same time, correct?</p> <p>12 A It is.</p> <p>13 Q Can you describe just the neighborhood</p> <p>14 generally?</p> <p>15 A It's Magnolia Place in Foley, Alabama, and</p> <p>16 they range from the 150s -- excuse me, 100s to --</p> <p>17 100,000 to 150,000. Our home is a 1500-square-foot,</p> <p>18 one of the middle-sized ones in there, and we are in</p> <p>19 the second -- what they consider the second phase of</p> <p>20 the subdivision and, I think, the last phase. They</p> <p>21 are almost built out.</p> <p>22 Q And it looked as though you were living</p> <p>23 elsewhere, obviously, as the home was being</p> <p>24 constructed, right?</p> <p>25 A We were renting an apartment.</p>

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<p style="text-align: right;">Page 14</p> <p>1 Q Okay. When did you first move in to this</p> <p>2 one?</p> <p>3 A December 8th, 2008.</p> <p>4 Q And it's a three-bedroom, two-bath, correct?</p> <p>5 A Yes.</p> <p>6 Q One-story home, right?</p> <p>7 A Yes.</p> <p>8 Q And it does have an attic, correct?</p> <p>9 A It does.</p> <p>10 Q Basement?</p> <p>11 A No.</p> <p>12 Q Okay. No basement.</p> <p>13 How does the design process work for the</p> <p>14 home? I mean, once you decide to -- that you were</p> <p>15 interested in this particular Adams property, how</p> <p>16 does the design process work? How much input do you</p> <p>17 have into designing and figuring out what that final</p> <p>18 home is going to look like?</p> <p>19 MR. FERICH: Object to form. You can</p> <p>20 answer.</p> <p>21 Q That's a long, rambling question. Maybe I</p> <p>22 can try again.</p> <p>23 Who designed the house?</p> <p>24 A Adams Homes. We got to pick out the colors.</p> <p>25 Q Okay.</p>	<p style="text-align: right;">Page 16</p> <p>1 need to get in the record in the record. I'm going</p> <p>2 to hand you what I'm now marking as Defendant's</p> <p>3 Exhibit 1.</p> <p>4 (Defendant's Exhibit 1</p> <p>5 was marked for identification.)</p> <p>6 Q And I will tell you that this is a copy of a</p> <p>7 notice for your deposition basically saying that</p> <p>8 we're going to be here doing this today. Have you</p> <p>9 seen this before just now?</p> <p>10 A Yes, I have.</p> <p>11 Q And when was that that you saw it</p> <p>12 previously?</p> <p>13 A Approximately two or three weeks ago, two</p> <p>14 weeks ago maybe.</p> <p>15 Q And you agree that you are appearing today</p> <p>16 because of this notice basically, right?</p> <p>17 A Yes.</p> <p>18 Q Okay. And you see yourself there as one of</p> <p>19 the people in all caps, both in the top part of the</p> <p>20 document, the heading of the document, and in the</p> <p>21 list of the people it is addressed --</p> <p>22 A Yes, I do.</p> <p>23 Q Do you know any of other people that are</p> <p>24 listed here?</p> <p>25 A No.</p>
<p style="text-align: right;">Page 15</p> <p>1 A That's about our extent of that.</p> <p>2 Q Were there any other things that you chose</p> <p>3 or selected as far as the design of the home?</p> <p>4 A No.</p> <p>5 Q And who installed the plumbing in the home?</p> <p>6 A Adams Homes. They had subcontractors, I</p> <p>7 assume, but they were -- they were considered our</p> <p>8 contractor, I guess would be the term I would use.</p> <p>9 Q Did you give them any input about what you</p> <p>10 wanted in terms of plumbing during the construction</p> <p>11 or design of the home?</p> <p>12 A No.</p> <p>13 Q And do you know how it came about that Adams</p> <p>14 used a subcontractor for the plumbing?</p> <p>15 A That part of it came after I sent the letter</p> <p>16 to them, upon us having the leaks, asking them what</p> <p>17 my options are in the way of a warranty or anything</p> <p>18 else, and that was the document that was presented</p> <p>19 this morning.</p> <p>20 Q Okay. So in terms of who the plumber was or</p> <p>21 what they had done, you didn't know anything about</p> <p>22 that until after you had had issues with leaks?</p> <p>23 A Correct.</p> <p>24 Q Okay. Let me go ahead and hand you a couple</p> <p>25 of documents here just to get some of the things we</p>	<p style="text-align: right;">Page 17</p> <p>1 Q Okay. Have you ever met or talked to any of</p> <p>2 these people, to the best of your knowledge?</p> <p>3 A No, I have not.</p> <p>4 Q All right. You can set that aside for now.</p> <p>5 We'll keep these in a stack for the court reporter to</p> <p>6 collect at the end.</p> <p>7 A Okay.</p> <p>8 MR. FERICH: I want to interject here.</p> <p>9 Eric, are you referring to the individuals at the top</p> <p>10 or the attorneys at the bottom as well?</p> <p>11 MR. WESLANDER: Thanks for clarifying.</p> <p>12 BY MR. WESLANDER:</p> <p>13 Q When I asked if you have met or talked to</p> <p>14 any of the people, I mean those in all capital</p> <p>15 letters that are -- I'll just list them off.</p> <p>16 Kimberly Cole, Alan Cole, James Monica, Michael</p> <p>17 McMahon, Ray Sminkey, James Medders, Judy Medders,</p> <p>18 Robert and Sarah Peperno and Kelly McCoy.</p> <p>19 Are any of those people people that you know</p> <p>20 or have ever met?</p> <p>21 A No.</p> <p>22 Q Okay. And I'm not asking about the</p> <p>23 attorneys.</p> <p>24 A Okay.</p> <p>25 Q Okay. And so coming back to the question of</p>

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<p style="text-align: right;">Page 18</p> <p>1 the plumber, did you hire a company called Monroe's</p> <p>2 Value Plumbing ever to install the plumbing in this</p> <p>3 home?</p> <p>4 A No.</p> <p>5 Q Okay. And your best guess as to who would</p> <p>6 have hired them is what company?</p> <p>7 A Adams Homes.</p> <p>8 Q Did you have any idea of the experience or</p> <p>9 qualifications of Monroe's Value Plumbing prior to</p> <p>10 the construction of this home?</p> <p>11 MR. FERICH: Object to form. You can answer</p> <p>12 if you know.</p> <p>13 A No.</p> <p>14 Q And at the time you moved into the home had</p> <p>15 you ever heard of Monroe's Value Plumbing?</p> <p>16 A No.</p> <p>17 Q And I'm guessing I know the answer to this,</p> <p>18 but did you consider any other plumbers besides</p> <p>19 Monroe's Value Plumbing in terms of installing the</p> <p>20 plumbing of this home?</p> <p>21 A No. That wasn't an option.</p> <p>22 Q Okay. And there was no opportunity to get</p> <p>23 multiple bids or quotes from different plumbers or</p> <p>24 anything like that, right?</p> <p>25 A No.</p>	<p style="text-align: right;">Page 20</p> <p>1 chosen, correct?</p> <p>2 A I do not know.</p> <p>3 Q And you did not have any input on which</p> <p>4 brand was used for the plumbing, correct?</p> <p>5 MR. FERICH: Objection. Asked and answered.</p> <p>6 You can answer.</p> <p>7 A No.</p> <p>8 Q And I know that these may seem a little bit</p> <p>9 repetitive, given that you didn't have the</p> <p>10 discussions, but I just need to cover the bases with</p> <p>11 these.</p> <p>12 A Okay.</p> <p>13 Q So I'm assuming you did not ever ask</p> <p>14 Monroe's Value Plumbing or Adams Homes detailed</p> <p>15 questions about NIBCO PEX, correct?</p> <p>16 A No, we did not.</p> <p>17 Q And you never asked if they had used NIBCO</p> <p>18 PEX in this area before, right?</p> <p>19 A Didn't have a reason to, no.</p> <p>20 Q Okay. You didn't have a reason to ask any</p> <p>21 questions about the selection of the plumbing product</p> <p>22 that was going to be used in your home, right?</p> <p>23 MR. FERICH: Objection. You can answer if</p> <p>24 you know.</p> <p>25 A No, we did not.</p>
<p style="text-align: right;">Page 19</p> <p>1 Q Okay. Do you know who chose the materials</p> <p>2 that would have been used in the plumbing, original</p> <p>3 plumbing, of your home?</p> <p>4 A I don't have any idea.</p> <p>5 Q And was there any discussion of other</p> <p>6 materials besides PEX to use in the plumbing of this</p> <p>7 home originally?</p> <p>8 A No.</p> <p>9 Q And you know that, that there was never a</p> <p>10 discussion, or you don't know?</p> <p>11 A There was not a discussion.</p> <p>12 Q Okay. You never had such a discussion?</p> <p>13 A No.</p> <p>14 Q Do you know whether Monroe's Value Plumbing</p> <p>15 ever had a discussion with Adams Homes or anyone else</p> <p>16 about possible materials to use besides PEX in the</p> <p>17 plumbing?</p> <p>18 MR. FERICH: Objection. You can answer if</p> <p>19 you know.</p> <p>20 A I don't know.</p> <p>21 Q And you don't know why PEX would have been</p> <p>22 selected as the material for the plumbing, correct?</p> <p>23 A No, I do not.</p> <p>24 Q For that reason, you probably do not know</p> <p>25 why the brand of the PEX that was selected was</p>	<p style="text-align: right;">Page 21</p> <p>1 Q Did you do any independent research on</p> <p>2 plumbing materials that were going to be used in your</p> <p>3 home at the time it was being built?</p> <p>4 A There was no need to. We just assumed that</p> <p>5 everything was going to be up to par.</p> <p>6 Q And that was based on your understanding of</p> <p>7 what Adams Homes was doing, correct?</p> <p>8 A Right.</p> <p>9 Q When was the first time that you heard the</p> <p>10 name NIBCO?</p> <p>11 A I would say the first repair of the first</p> <p>12 leak that we had from the plumber used.</p> <p>13 Q Do you remember what they said?</p> <p>14 A Just when they took the pipe out, the piece</p> <p>15 that they cut off, they just said that this is a</p> <p>16 split and the name was on the pipe.</p> <p>17 Q And that was the first time you had any idea</p> <p>18 that there was NIBCO plumbing in your home, correct?</p> <p>19 A Correct.</p> <p>20 Q One other question regarding the installing</p> <p>21 plumber. Do you have any idea -- did you know</p> <p>22 anything at the time your home was being built about</p> <p>23 the training or experience that the plumber had that</p> <p>24 had installed the plumbing in your home?</p> <p>25 MR. FERICH: Object to form. You can</p>

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<p style="text-align: right;">Page 22</p> <p>1 answer.</p> <p>2 A No. That wasn't up to me.</p> <p>3 Q Did Adams Homes give you any information</p> <p>4 regarding NIBCO's products?</p> <p>5 A No, they did not.</p> <p>6 Q No brochures, installation guides,</p> <p>7 warranties or anything like that related to NIBCO?</p> <p>8 A No.</p> <p>9 Q And I'm guessing I probably know the answer</p> <p>10 to this one as well, but as far as fittings and the</p> <p>11 types of fittings that were used in the home, did you</p> <p>12 have any idea or any input into what type of fittings</p> <p>13 were being used with the plumbing as the home was</p> <p>14 being constructed?</p> <p>15 A No.</p> <p>16 Q And, similarly, you did not have input into</p> <p>17 that or make a choice or decision as to which type of</p> <p>18 fitting would be used, correct?</p> <p>19 A Correct.</p> <p>20 Q Okay. Let's look at what is a very large</p> <p>21 document, but we're only going to look at pieces of</p> <p>22 it. I'll hand you this. My stapler was not up to</p> <p>23 the task of stapling it all together so I have it</p> <p>24 clipped here. I'm going to mark this as Defendant's</p> <p>25 Exhibit 2.</p>	<p style="text-align: right;">Page 24</p> <p>1 Q Okay. Let's go ahead and keep moving here</p> <p>2 and turn a few more pages ahead to page 10. Do you</p> <p>3 see on page 10 your name?</p> <p>4 A Yes.</p> <p>5 Q Okay. And we're starting at paragraph 43.</p> <p>6 There's a series of allegations that are relating to</p> <p>7 your home specifically, correct?</p> <p>8 A Correct.</p> <p>9 Q Okay. It says there in paragraph 43 -- I'll</p> <p>10 read it. Quote, as a result of defendant's conduct</p> <p>11 as alleged herein, Plaintiff Boyd has been injured.</p> <p>12 Did I read that correctly?</p> <p>13 A Yes.</p> <p>14 Q Okay. What are the injuries that you have</p> <p>15 suffered?</p> <p>16 MR. FERICH: Objection. Calls for a legal</p> <p>17 conclusion. You can answer.</p> <p>18 A Financial, an extreme hardship.</p> <p>19 Q Okay. Can you elaborate on that a little</p> <p>20 bit? What is the financial harm that you've</p> <p>21 suffered?</p> <p>22 A Three repairs from leaks and then a re-plumb</p> <p>23 of our home just five years into it.</p> <p>24 Q And you said extreme hardship. What do you</p> <p>25 mean by that?</p>
<p style="text-align: right;">Page 23</p> <p>1 (Defendant's Exhibit 2</p> <p>2 was marked for identification.)</p> <p>3 Q I'm handing you a copy of Exhibit 2, and</p> <p>4 that is the second amended class complaint in this</p> <p>5 action. Have you ever seen this document, Ms. Boyd?</p> <p>6 A I have. I have a copy.</p> <p>7 Q Do you know when was the last time you</p> <p>8 reviewed it?</p> <p>9 A A couple of days ago.</p> <p>10 Q Let's turn to page 3. There is a paragraph</p> <p>11 numbered 8 on page 3 about halfway down the page. Do</p> <p>12 you see that?</p> <p>13 A Yes.</p> <p>14 Q I'll just read it into the record. It</p> <p>15 states that NIBCO manufactures, warrants, advertises</p> <p>16 and sells the PEX products at issue. NIBCO's sales</p> <p>17 catalog advertised that, inter alia, its PEX tubing</p> <p>18 was the highest quality PEX tubing available and that</p> <p>19 its cross-chemical bonding process gave it, quote,</p> <p>20 superior characteristics.</p> <p>21 Did I read that correctly?</p> <p>22 A Yes.</p> <p>23 Q Did you at any time review any NIBCO sales</p> <p>24 catalogs?</p> <p>25 A No.</p>	<p style="text-align: right;">Page 25</p> <p>1 A We just were not prepared to have to spend</p> <p>2 that kind of money, but out of peace of mind -- we</p> <p>3 felt like it was necessary because of other issues</p> <p>4 that our other neighbors down the street were having.</p> <p>5 They've had total flood and even worse. We both work</p> <p>6 outside of the home 10 and 12 hours a day, and I</p> <p>7 didn't want to come home to a catastrophic situation.</p> <p>8 So we had to make that decision, and it was a</p> <p>9 financial burden.</p> <p>10 Q You mentioned you talked with other people</p> <p>11 in your neighborhood about issues that they've had.</p> <p>12 Which people are those?</p> <p>13 A Allison Stewart. She is a school teacher.</p> <p>14 And Vincent Lamar.</p> <p>15 Q Okay. Anyone else?</p> <p>16 A There are other neighbors, but, I mean,</p> <p>17 they're neighbors and I don't know their names.</p> <p>18 Q Okay. Fair enough.</p> <p>19 Let's turn ahead at paragraph 47. It</p> <p>20 states, quote, Plaintiff Boyd -- and I'm at page 11</p> <p>21 now. Plaintiff Boyd hired a licensed professional</p> <p>22 contractor to install the plumbing system in your</p> <p>23 home.</p> <p>24 Is that accurate?</p> <p>25 A No, it's not. I saw that, but that is not</p>

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<p style="text-align: right;">Page 26</p> <p>1 accurate.</p> <p>2 Q Okay. What would be accurate instead of</p> <p>3 that?</p> <p>4 A Adams Homes hired a licensed professional</p> <p>5 contractor.</p> <p>6 Q All right. And then at paragraph 52 down</p> <p>7 below on the same page it states, quote, on all three</p> <p>8 occasions -- and in the previous paragraphs there</p> <p>9 have been leaks described, and we'll talk about those</p> <p>10 in a bit -- Plaintiff Boyd called a plumber to</p> <p>11 inspect the water leak and resultant damage. On all</p> <p>12 three occasions the plumber informed Plaintiff Boyd</p> <p>13 that the tubing had, quote, split and water was</p> <p>14 leaking as a result.</p> <p>15 Do you recall one of the leaks being a</p> <p>16 pinhole leak as opposed to a split leak?</p> <p>17 A I don't recall that.</p> <p>18 Q Okay. Again, we'll talk about those in more</p> <p>19 detail.</p> <p>20 A Okay.</p> <p>21 Q Turning a page ahead to page 12, at</p> <p>22 paragraph 54 there is a statement that says, quote,</p> <p>23 Plaintiff Boyd has suffered an ascertainable loss as</p> <p>24 a result of Defendant's omissions and/or</p> <p>25 misrepresentations associated with the PEX products.</p>	<p style="text-align: right;">Page 28</p> <p>1 A I'm not understanding.</p> <p>2 Q Was there ever anything that NIBCO told you</p> <p>3 or represented to you that caused you to -- that was</p> <p>4 incorrect that caused you to use NIBCO products?</p> <p>5 MR. FERICH: Objection. She said she never</p> <p>6 spoke with NIBCO.</p> <p>7 You can answer again, though.</p> <p>8 A That would be my answer. I've never spoken</p> <p>9 to NIBCO.</p> <p>10 Q Okay. And, again, in the next paragraph,</p> <p>11 paragraph 55, it states that at no time did Defendant</p> <p>12 or any of its agents, dealers or other</p> <p>13 representatives inform Plaintiff Boyd of Defendant's</p> <p>14 omissions and/or misrepresentations.</p> <p>15 What, if anything, were those omissions and</p> <p>16 misrepresentations?</p> <p>17 MR. FERICH: Objection. Asked and answered.</p> <p>18 You can answer.</p> <p>19 A We weren't ever given -- when we close a</p> <p>20 house or we closed our house with Adams Homes, they</p> <p>21 gave us different things like our fireplace warranty</p> <p>22 or da-da-da-da-da. There was never anything in any</p> <p>23 paperwork to alert us to anything about this product.</p> <p>24 Q Okay. Thank you. Let's move on now a</p> <p>25 little ways ahead. I'm now looking at page 35, so a</p>
<p style="text-align: right;">Page 27</p> <p>1 I'll stop right there. The sentence goes</p> <p>2 on. What misrepresentations do you think that NIBCO</p> <p>3 made to you regarding this?</p> <p>4 MR. FERICH: Objection. Calls for a legal</p> <p>5 conclusion. You can answer.</p> <p>6 A I would say it was misrepresentations just</p> <p>7 of Adams Homes or any subcontractor issue that the</p> <p>8 product wasn't adhering to -- I mean, I've been a</p> <p>9 homeowner for five or six different times, and I've</p> <p>10 never had to re-plumb a house.</p> <p>11 Q Was there, though, anything that NIBCO told</p> <p>12 you about its products that you think was incorrect?</p> <p>13 A No. I've never spoken with NIBCO.</p> <p>14 Q Or in writing has there ever been anything</p> <p>15 that they've told you as far as the quality of their</p> <p>16 product that you think was incorrect, just between</p> <p>17 you and NIBCO?</p> <p>18 A Like the documents that I've produced after</p> <p>19 the fact and sending -- sending them for testing from</p> <p>20 NIBCO, whatever that response was on that document.</p> <p>21 Q I just want to clarify if you think that</p> <p>22 there has been something to get you to buy or install</p> <p>23 or use a NIBCO product that the company told you that</p> <p>24 wasn't true.</p> <p>25 MR. FERICH: Objection. You can answer.</p>	<p style="text-align: right;">Page 29</p> <p>1 good ways ahead in the complaint, and I'm looking at</p> <p>2 paragraph 155. It makes a reference in this</p> <p>3 paragraph to an express warranty that -- an express</p> <p>4 warranty by NIBCO. Have you ever seen the NIBCO</p> <p>5 express warranty?</p> <p>6 A Yes.</p> <p>7 Q Okay. And at the time of the leaks in 2013</p> <p>8 at your home, had you seen the NIBCO express warranty</p> <p>9 at that time?</p> <p>10 A No.</p> <p>11 Q And when was the first time you saw the</p> <p>12 NIBCO express warranty, to the best of your</p> <p>13 recollection?</p> <p>14 A If I'm not mistaken, it's in here. Yes.</p> <p>15 Q In here being in the complaint?</p> <p>16 A I'm sorry.</p> <p>17 Q No. That's okay.</p> <p>18 A Yes, in the complaint.</p> <p>19 Q Okay.</p> <p>20 A So I probably saw this a couple of weeks ago</p> <p>21 in the complaint.</p> <p>22 Q Okay. Fair enough.</p> <p>23 All right. I'm going to page ahead now to</p> <p>24 page 36, and I'm looking at the bottom of page 36,</p> <p>25 paragraph 166. It states that Plaintiffs relied on</p>

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<p style="text-align: right;">Page 30</p> <p>1 the skill and judgment of Defendant in using the PEX 2 products.</p> <p>3 Is it fair to say that because you did not 4 know that NIBCO products were in your home and didn't 5 make any decisions yourself about what plumbing 6 product would be used in your home that you didn't 7 rely on NIBCO in deciding -- in making your decisions 8 about your home?</p> <p>9 MR. FERICH: Object to form. It was 10 compound.</p> <p>11 Q Do you understand the question?</p> <p>12 A No, I don't.</p> <p>13 Q Okay. Let me take another crack at that.</p> <p>14 Is it fair to say that you did not rely on 15 the skill and judgment of NIBCO in selecting NIBCO 16 products to be used in your home?</p> <p>17 MR. FERICH: Object to form. It calls for a 18 legal conclusion.</p> <p>19 Do you understand the question?</p> <p>20 THE WITNESS:</p> <p>21 No, I don't.</p> <p>22 Q Okay. You never made a decision as far as 23 what plumbing was going to go into your home, 24 correct?</p> <p>25 A Correct.</p>	<p style="text-align: right;">Page 32</p> <p>1 date of their original manufacture, sale and/or 2 distribution.</p> <p>3 Do you know one way or another whether 4 that's true?</p> <p>5 MR. FERICH: Objection. Calls for a legal 6 conclusion.</p> <p>7 You can answer.</p> <p>8 A I do not know.</p> <p>9 Q Do you have any idea of the condition that 10 NIBCO PEX products were in when they were 11 manufactured?</p> <p>12 MR. FERICH: Objection. You can answer.</p> <p>13 A I have no way of knowing that.</p> <p>14 Q Okay. Thank you. A couple of more pages 15 here to go. Let's go ahead to -- let's see here. 16 Let's go ahead to page 49. Give me just a moment 17 here.</p> <p>18 I'm looking at paragraph 254, and there's an 19 allegation there of failure to warn of the potential 20 hazards associated with the use of NIBCO PEX 21 products. And I wonder there, what do you think that 22 NIBCO should have warned you of that it did not?</p> <p>23 MR. FERICH: Object to form. You can 24 answer.</p> <p>25 A Just some kind of literature, I guess, like</p>
<p style="text-align: right;">Page 31</p> <p>1 Q And so you didn't rely on any one company's 2 statements about its products, its plumbing products, 3 as far as deciding what plumbing was going to go into 4 your home, correct?</p> <p>5 MR. FERICH: Object to form. Calls for a 6 legal conclusion.</p> <p>7 Do you understand?</p> <p>8 THE WITNESS:</p> <p>9 Yes.</p> <p>10 A I relied on Adams Homes to have that 11 knowledge, to put good product in my home that I was 12 paying top dollar for.</p> <p>13 Q But not on NIBCO, correct?</p> <p>14 A No.</p> <p>15 Q Okay. I just wanted to clarify that. Thank 16 you.</p> <p>17 Let's page ahead again. We're almost there. 18 It's a long document. I'm looking now at page 42, 19 and I'm looking at paragraph number 203 in the middle 20 of the page.</p> <p>21 MR. FERICH: 20 --</p> <p>22 MR. WESLANDER: 203.</p> <p>23 Q It states, quote, at the time of the damages 24 sustained by Ms. Boyd the NIBCO PEX products were in 25 the substantially same condition as they were on the</p>	<p style="text-align: right;">Page 33</p> <p>1 the warranty, would be nice to homeowners about the 2 product.</p> <p>3 Q Anything more specific?</p> <p>4 A No.</p> <p>5 Q Thank you. We can set that aside for now. 6 Let's talk a little bit about the plumbing 7 system in your home. Do you know much about the 8 water heater that's installed in your home?</p> <p>9 A General knowledge.</p> <p>10 Q Okay. What can you tell me about it?</p> <p>11 A It's located in the garage.</p> <p>12 Q Okay.</p> <p>13 A It was installed in the home new and it's 14 still there.</p> <p>15 Q Okay. Good. That was my next question. 16 It's been the same one since you moved in in 2008?</p> <p>17 A Correct.</p> <p>18 Q And do you know if it has -- the 19 water-heater system has a recirculation pump?</p> <p>20 A I don't know.</p> <p>21 Q Do you have any idea how often it runs or 22 what the cycle of the water heater is?</p> <p>23 A I don't know that.</p> <p>24 Q Okay. I'm not sure that's one of those 25 pieces of knowledge that the average homeowner knows</p>

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<p style="text-align: right;">Page 34</p> <p>1 anyway. I couldn't tell you mine. But I've got to</p> <p>2 ask the question.</p> <p>3 As far as settings on the tank, do you know</p> <p>4 who decided those?</p> <p>5 A I would assume the manufacturer settings.</p> <p>6 We've never changed them, if there is any settings to</p> <p>7 change.</p> <p>8 MR. FERICH: Do you know?</p> <p>9 THE WITNESS:</p> <p>10 No, I do not know for sure.</p> <p>11 Q You've never changed the settings on the</p> <p>12 water heater, to your knowledge?</p> <p>13 A No.</p> <p>14 Q And what about an expansion tank? Do you</p> <p>15 know if the water-heater system has what's called an</p> <p>16 expansion tank?</p> <p>17 A We do not. We have a release valve.</p> <p>18 Q Okay. That, I take it, has been on the tank</p> <p>19 since it was installed, correct?</p> <p>20 A Yes.</p> <p>21 Q Do you test the release valve ever?</p> <p>22 A No.</p> <p>23 Q Have you ever had any problems with the</p> <p>24 release valve?</p> <p>25 A No.</p>	<p style="text-align: right;">Page 36</p> <p>1 us in this case.</p> <p>2 So let's talk about first -- and we can</p> <p>3 refer to page 10, the one that's marked 10 at the</p> <p>4 bottom, so the second-to-the-last page. This is an</p> <p>5 invoice from March 26th of 2013. Do you see that?</p> <p>6 A Yes.</p> <p>7 Q And up in the top right corner it says 5525?</p> <p>8 A Yes.</p> <p>9 Q Okay. And fair to say that this describes a</p> <p>10 trip to your home by 24/7 All Services, LLC?</p> <p>11 A Yes.</p> <p>12 Q And was this the first time you had had 24/7</p> <p>13 All Services come to your home?</p> <p>14 A Yes.</p> <p>15 Q How did you hear about them?</p> <p>16 A From a neighbor.</p> <p>17 Q Okay. And who was that neighbor? Do you</p> <p>18 remember?</p> <p>19 A I do not. I don't think it was actually</p> <p>20 through contact with that neighbor. The truck was</p> <p>21 parked in their driveway.</p> <p>22 Q Good advertising for them.</p> <p>23 A Yeah.</p> <p>24 Q And do you recall the leak that is described</p> <p>25 on this document? Just as you sit here today, do you</p>
<p style="text-align: right;">Page 35</p> <p>1 Q Okay. Let's talk a little bit about the</p> <p>2 leaks and the complaints that you've had, and let me</p> <p>3 pull out a document very quickly here. I think this</p> <p>4 will help us, to just go ahead and mark this as an</p> <p>5 exhibit. I'm going to mark this as Exhibit 3.</p> <p>6 (Defendant's Exhibit 3</p> <p>7 was marked for identification.)</p> <p>8 Q This is -- I will tell you that these are</p> <p>9 documents we've received from you. I've marked it</p> <p>10 now as Exhibit 3.</p> <p>11 MR. WESLANDER: There you go, Andy.</p> <p>12 MR. FERICH: Thank you, Eric.</p> <p>13 BY MR. WESLANDER:</p> <p>14 Q Do you see that these documents in the</p> <p>15 bottom right-hand corner have what we lawyers like to</p> <p>16 call a Bates number, which is just a way to keep</p> <p>17 track of documents, and it says Boyd 000008 on the</p> <p>18 first one?</p> <p>19 A Yes.</p> <p>20 Q Okay. And then that goes through number 11</p> <p>21 at the bottom of the last page on this exhibit,</p> <p>22 correct?</p> <p>23 A Yes.</p> <p>24 Q And I'll represent to you that these are</p> <p>25 invoices from 24/7 Services that you have produced to</p>	<p style="text-align: right;">Page 37</p> <p>1 have an independent memory of it?</p> <p>2 A Yes.</p> <p>3 Q Describe to me then what you saw that caused</p> <p>4 you to call the repair service on this occasion.</p> <p>5 A I had started a load of wash in the washing</p> <p>6 machine, came back to take it out of the washing</p> <p>7 machine to the dryer, looked up and the whole ceiling</p> <p>8 of my utility room was wet.</p> <p>9 Q And this utility room is where in the house?</p> <p>10 A Next to the kitchen, and the door going out</p> <p>11 of the utility room goes into the garage.</p> <p>12 Q What did you do after you looked up and you</p> <p>13 saw what you saw?</p> <p>14 A Called my husband, which is just to ask him,</p> <p>15 oh, God, what do I do, not knowing where the cutoff</p> <p>16 valve is or how you do that. He gave me instructions</p> <p>17 on how to cut the water off at the meter outside.</p> <p>18 I attempted to do that, but I could not.</p> <p>19 That's when I called 24/7 and -- he actually got me</p> <p>20 the phone number because I was panicked. And I</p> <p>21 called 24/7 and they came out within like 45 minutes.</p> <p>22 Q What did you observe them do?</p> <p>23 A The first thing they did was went to the</p> <p>24 water meter and cut the water off. And then he</p> <p>25 opened up the attic stairwell and went up and saw</p>

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<p style="text-align: right;">Page 38</p> <p>1 where the insulation and all was wet. He said he 2 could see drips from the pipe. 3 Q Did you go up there with him at all and look 4 at it? 5 A I did not. 6 Q So you're relying on what the plumber told 7 you about what they saw? 8 A Yes. 9 Q Let me ask you regarding the ceiling when 10 you looked up. Can you describe how big of an area 11 it was that you saw that appeared to have water 12 damage? 13 A Three-by-three square maybe. 14 Q Feet? 15 A Yeah. 16 Q And, again, what did it look like? What did 17 the surface look like that caused you to see that 18 there was water? 19 MR. FERICH: Object to form. You can 20 answer. 21 A Just that it was wet. 22 Q And you said it was actually dripping? 23 A No. It was just -- it was spreading on the 24 ceiling at that time. 25 Q So it wasn't like you were doing a load of</p>	<p style="text-align: right;">Page 40</p> <p>1 Exhibit 3 -- on the page that's marked Boyd 10, do 2 you see halfway down the page on this invoice that it 3 says PEX pipe had a pinhole in it? 4 A I do see that. 5 Q Do you have any reason to dispute whether 6 that's accurate? 7 A No. 8 Q Okay. So how long was the plumber at your 9 home that time? 10 A About approximately an hour. 11 Q And did you see any of the pipe that the 12 plumber took out? 13 Let me back up. I'm assuming that the 14 plumber took out some pipe on this visit. Is that 15 right? 16 A He did. 17 Q Did you see any of the pipe that was removed 18 at that time? 19 A Yes. He gave that to me. 20 Q Okay. Okay. And what did you do with it? 21 A I just kept it so my husband could see it. 22 Q Okay. 23 A Not really being aware that there was a 24 future problem. 25 Q Sure.</p>
<p style="text-align: right;">Page 39</p> <p>1 laundry and you got a splash of water. It was you 2 just happened to look up and you saw it at that time? 3 A Yes. 4 Q Okay. And then what did they tell you 5 regarding what they had found up there other than 6 that they saw the pipe dripping? 7 MR. FERICH: Object to form. You can 8 answer. 9 A He just said that there was a pipe that was 10 leaking and it looked like it was about -- he thought 11 he could cut about a foot off and replace it and was 12 that something that I wanted to do, and I told him I 13 had to do it and he proceeded to repair it. 14 Q Did he tell you anything about how close it 15 was to a fitting or a bend in the pipe or anything 16 like that? 17 A No, he did not. 18 Q He just said there's a leak. He didn't 19 identify in further detail where on the pipe it was? 20 A No. 21 Q And did he tell you that it had a pinhole in 22 it? 23 A I don't recall that term. He just said that 24 it was definitely leaking. 25 Q Okay. Do you see here, coming back to our</p>	<p style="text-align: right;">Page 41</p> <p>1 Do you still have that piece of pipe? 2 A No, I do not. 3 Q Do you know what happened to it? 4 A That is the pipe that I sent to NIBCO for 5 testing. 6 Q Okay. So the one that was removed on the 7 very first visit here in March of 2013 is the pipe 8 that you sent to NIBCO? 9 A I believe it was all the pipe from the -- 10 the pieces that I sent to them were from the repairs. 11 Q Okay. 12 A It was three pieces or four pieces. 13 Q Okay. Did you do anything afterward to 14 inspect the work that the plumbing company had done? 15 A Later that evening my husband said, you 16 probably need to go up to the attic and make sure 17 that the insulation is pulled up to where it won't 18 get mildewed. So I went up there and did that, just 19 kind of lifted up the insulation and checked 20 everything. 21 Q Do you recall seeing the repair work? 22 A Yes. 23 Q And what did you see? 24 A About a foot-long piece of pipe, new pipe. 25 Q And how could you tell it was different or</p>

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<p style="text-align: right;">Page 42</p> <p>1 new pipe?</p> <p>2 A Well, it had fittings -- I might not be</p> <p>3 using the correct term -- where he had went into --</p> <p>4 cut that piece of pipe out and put that pipe in and</p> <p>5 then put some clamps there to the other pipes.</p> <p>6 Q Okay.</p> <p>7 A And everything was pulled away from it so</p> <p>8 you could tell where he had been working. And it was</p> <p>9 right above where the wet ceiling was.</p> <p>10 Q That gave you a clue?</p> <p>11 A Yes.</p> <p>12 Q And as far as picking the materials to use</p> <p>13 in the repair, who selected the material to be used</p> <p>14 in the repair?</p> <p>15 A 24/7.</p> <p>16 Q And it looks like you were charged \$160 for</p> <p>17 this repair; is that right?</p> <p>18 A Correct.</p> <p>19 Q Okay. Now, in terms of any damage to your</p> <p>20 home because of this, what damage to the home did</p> <p>21 this leak cause, in your opinion?</p> <p>22 A Well, we let the ceiling dry. And the</p> <p>23 sheetrock which was -- by the time that it finished</p> <p>24 getting wet was probably about a four-foot by</p> <p>25 four-foot piece, so we ended up having to do</p>	<p style="text-align: right;">Page 44</p> <p>1 0009 at the bottom of it.</p> <p>2 A Yes.</p> <p>3 Q Are you with me?</p> <p>4 A Yes.</p> <p>5 Q And it looks like we have here another 24/7</p> <p>6 Services invoice from September 15th, 2013; is that</p> <p>7 correct?</p> <p>8 A Correct.</p> <p>9 Q And up at the top right corner it has 6930?</p> <p>10 A Yes.</p> <p>11 Q As you look at this, what -- I know the text</p> <p>12 is a little bit hard to read, but it looks like it</p> <p>13 says here under description of the work: Service</p> <p>14 call. Found split in line.</p> <p>15 Well, that's very difficult to read.</p> <p>16 A Found split in line on cold-water side of</p> <p>17 hot water heater.</p> <p>18 Q Excellent. Excellent.</p> <p>19 A That would be what I would say because</p> <p>20 that's what happened. That looks like that would be</p> <p>21 it.</p> <p>22 Q I think you are spot on with that, so great.</p> <p>23 Tell about this one then. What do you</p> <p>24 remember about this particular incident?</p> <p>25 A A couple of months later, come home, was</p>
<p style="text-align: right;">Page 43</p> <p>1 sheetrock there, and then we painted the ceiling.</p> <p>2 Q So you did a new -- just one piece of</p> <p>3 sheetrock that was taken out?</p> <p>4 A Yes.</p> <p>5 Q Any idea how much that cost?</p> <p>6 A Me and my husband did that, and we bought</p> <p>7 that from Lowe's. I would say approximately \$150 or</p> <p>8 \$200.</p> <p>9 Q Okay. And then you repainted over it once</p> <p>10 you had the new sheetrock installed?</p> <p>11 A Yes.</p> <p>12 Q And how much do you think you spent on the</p> <p>13 painting piece of it?</p> <p>14 A I would say the whole thing, sheetrock and</p> <p>15 the painting and all, was approximately \$150, \$200.</p> <p>16 Q Okay. Gotcha.</p> <p>17 Do you think you have any documentation</p> <p>18 still?</p> <p>19 A I have since gone back and looked, and I do</p> <p>20 not. Again, this was our first incident so I didn't</p> <p>21 really think to save that.</p> <p>22 Q Okay. Fair enough.</p> <p>23 Let's go on now. We're going to turn to,</p> <p>24 bear with me, the very first -- I'm sorry, the second</p> <p>25 page of this exhibit we are now looking at which has</p>	<p style="text-align: right;">Page 45</p> <p>1 getting supper ready, and my dog goes to the back</p> <p>2 door barking, to the utility-room door barking and</p> <p>3 carrying on. I open the door and he's hearing the</p> <p>4 (indicating), you know, like a snake sound</p> <p>5 (indicating). This pipe was just spewing from the</p> <p>6 hot-water side there all the way -- I mean, it was</p> <p>7 like a jet in the garage.</p> <p>8 Q Just to clarify, I think you maybe said the</p> <p>9 hot-water side, and I think this said the cold</p> <p>10 water --</p> <p>11 A Hot water heater.</p> <p>12 Q Okay. I just wanted to make sure I'm</p> <p>13 tracking with you.</p> <p>14 A Okay.</p> <p>15 Q So it was spewing from the side of the hot</p> <p>16 water heater? Do I understand that?</p> <p>17 A The pipe is above it on the cold-water side.</p> <p>18 Q On the cold-water side.</p> <p>19 If you're looking toward the water heater in</p> <p>20 this utility room, which is the same room that the</p> <p>21 prior leak was in, correct?</p> <p>22 A You have to go through a door.</p> <p>23 Q Okay. Let me actually -- let me clarify</p> <p>24 this. I'll back up just a second.</p> <p>25 Compared with the previous leak in your</p>

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<p style="text-align: right;">Page 46</p> <p>1 home, the one from March 2013, describe to me what 2 room when you say the utility room. This new one, 3 where was it in relation to the old one? 4 A The new leak, the second leak, was in the 5 garage, and it is adjacent to the utility room 6 through a wall and a door. 7 Q Okay. Okay. So you have garage, utility 8 room, and you go through the utility room to get to 9 the garage? 10 A Yes. 11 Q And the utility room also has the washer and 12 dryer? 13 A Yes. 14 Q Okay. I just wanted to make sure we were in 15 the utility room when we were talking about the March 16 2013 repair. That was in the utility room? 17 A Correct, above the ceiling. 18 Q And so you mention -- I guess I'm a little 19 confused. Help me out here. 20 A Okay. 21 Q Because I thought you said earlier that you 22 opened the door to the utility room on this instance 23 in September of 2013 and saw a spray, but now I'm 24 seeing that the leak was in the garage. So help me 25 understand.</p>	<p style="text-align: right;">Page 48</p> <p>1 that, how long it had been spraying? 2 A I don't know. I think several minutes 3 because it flooded the garage, you know. It's in the 4 left side of the garage and it hit the right side far 5 corner, so it was like spewing for a while, a few 6 minutes. 7 Q Can you describe what you -- where the spray 8 appeared to be coming from? 9 A When I first looked out I could tell it was 10 coming from the pipe. I thought maybe the pipe had 11 slipped off or something, not knowing what was going 12 on. You could tell it was coming from the pipe. 13 Q Where on the pipe, though, in relation to 14 the water heater? 15 A You have a cold-water and a hot-water pipe 16 straight up, and then one turns going into the wall, 17 and it was on the straight-up pipe before it turns. 18 Q Gotcha. On the cold side? 19 A Yes. 20 Q Any idea how many inches or feet along the 21 pipe from where it comes out of the water heater? 22 MR. FERICH: Objection. Go ahead. 23 A I don't know. 24 Q But above, generally above the water heater? 25 A Yes.</p>
<p style="text-align: right;">Page 47</p> <p>1 A Right. There's two doors to our utility 2 room. One of the doors goes from the kitchen to the 3 utility room, and then another door you open up and 4 it goes into the garage. 5 Q Okay. And so -- 6 A So I walked in with the dog barking and 7 opened the door to the garage, and then -- 8 Q Then you saw the spray happening in the 9 garage? 10 A Right. 11 Q Got it. I'm with you now. 12 Okay. And what did you do? 13 A Well, by then I had been informed on how to 14 cut the water off at the hot water heater, so I did 15 that. And the water stopped and then I called 24/7. 16 Q And tell me, for those of us who don't know, 17 if you're going to turn off the water at the water 18 heater, what do you do? 19 MR. FERICH: Objection. You can answer. 20 A It has a little valve and you just pull it 21 down. 22 Q Okay. And so you did that, and did that 23 cause the spraying to stop? 24 A Yes. 25 Q Okay. Any idea how long it had been doing</p>	<p style="text-align: right;">Page 49</p> <p>1 Q And you said it was spraying to the other 2 side of the garage? 3 A Uh-huh. 4 Q That's a yes? 5 A Yes. I'm sorry. 6 Q No problem. It's hard to remember that one, 7 I know. 8 How many feet would that be that it was 9 spraying; do you think? 10 MR. FERICH: Objection. 11 A I don't know. 12 Q Was it a narrow stream of a spray or a very 13 wide kind of a fine spray? 14 A Just like a sprinkler spray, I would say, 15 just (indicating). 16 Q Okay. So you shut it off at the water 17 heater? 18 A Uh-huh. 19 Q And what happened then? 20 A It stopped. I looked and opened the garage 21 door because of the water, called my husband, said, 22 oh, my God, it happened again. He said call 24/7. 23 And they came out this time probably within about an 24 hour because I told them I had cut the water off. 25 Q Okay. And what did they do when they</p>

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<p style="text-align: right;">Page 50</p> <p>1 arrived?</p> <p>2 A I backed my car out at that time and he came</p> <p>3 in. He turned the water back on and saw what was</p> <p>4 going on, cut it back off and replaced that</p> <p>5 cold-water section.</p> <p>6 Q Okay. A similar kind of a thing to what you</p> <p>7 saw the first time in terms of a section of the pipe</p> <p>8 being replaced?</p> <p>9 A Yes. It was a little bit longer piece of</p> <p>10 pipe that he took off. Then he showed me where the</p> <p>11 problem was.</p> <p>12 Q Okay. What did he do to show you that?</p> <p>13 A He said this is where it's leaking, and it</p> <p>14 looked like just a cut, split in the pipe.</p> <p>15 Q What did you do with that piece of pipe?</p> <p>16 A Again, I saved it for my husband to look at,</p> <p>17 and we put it with the first one. I at that time</p> <p>18 asked the plumber did he think that we had a problem</p> <p>19 or a thing going on here, and he said possibly, was</p> <p>20 his response.</p> <p>21 Q And it had been --</p> <p>22 A Since March.</p> <p>23 Q So not quite six months since the first</p> <p>24 repair, right?</p> <p>25 A Correct.</p>	<p style="text-align: right;">Page 52</p> <p>1 Q Now, as far as the home and the garage, did</p> <p>2 this second leak damage your house at all?</p> <p>3 A Just wet a shelving unit that we had in the</p> <p>4 garage which eventually peeled and we refinished</p> <p>5 that.</p> <p>6 Q You refinished the shelving unit?</p> <p>7 A Yes.</p> <p>8 Q And do you believe it peeled from being wet?</p> <p>9 A Oh, yes.</p> <p>10 Q Did you do anything else besides -- you said</p> <p>11 you refinished the shelving unit?</p> <p>12 A We did refinish it. I did.</p> <p>13 Q What did you have to do to refinish it?</p> <p>14 A I actually hand sanded it. I was proud.</p> <p>15 Hand sanded it and painted it white, Rustoleum white.</p> <p>16 Q You told me no construction experience. Now</p> <p>17 I know you're refinishing, and there was something</p> <p>18 else you were doing earlier that I thought --</p> <p>19 A DIY, do it yourself.</p> <p>20 Q Okay. So you sanded it. This was, I guess,</p> <p>21 a wood surface?</p> <p>22 A Yes, it was. It is. We still have it.</p> <p>23 Q Okay. You still have it?</p> <p>24 A Uh-huh.</p> <p>25 Q Was there any other damage in the garage</p>
<p style="text-align: right;">Page 51</p> <p>1 Q Do you know, again, what materials that 24/7</p> <p>2 selected to do its repair?</p> <p>3 A I asked them at this particular time if they</p> <p>4 were putting that material back in because me and my</p> <p>5 husband were starting to get concerned because,</p> <p>6 again, of these two incidences and a neighbor's</p> <p>7 incident. The neighbor's pipe showed NIBCO stamped</p> <p>8 on it and so did ours, so then we started questioning</p> <p>9 this plumber because we didn't want that same</p> <p>10 material. And he said that -- and I may not be</p> <p>11 saying it correctly, but he said that they were not</p> <p>12 using that and it was REHAU, started with an R,</p> <p>13 R-A-H-U maybe. I'm not sure that that's --</p> <p>14 Q Close, yeah. I know what you mean.</p> <p>15 A And so that's what they were going to put --</p> <p>16 that's the material they used and that they've had</p> <p>17 good success with that material.</p> <p>18 Q And that was something that 24/7 had picked,</p> <p>19 correct?</p> <p>20 A Yes.</p> <p>21 Q And they charged you on this instance, it</p> <p>22 looks like, \$165. Is that right?</p> <p>23 A That's correct.</p> <p>24 Q They being 24/7?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 53</p> <p>1 from this second leak?</p> <p>2 A No. We just left the door open for a while,</p> <p>3 and it took a couple of days to totally dry out.</p> <p>4 Q Did you have to do any more sheetrocking or</p> <p>5 anything like that?</p> <p>6 A Not this time here, no.</p> <p>7 Q And did you -- oh, any idea what you spent</p> <p>8 on materials and time to do these repairs to the</p> <p>9 shelving unit?</p> <p>10 A It was less than a hundred dollars.</p> <p>11 Q Do you have anything that would document or</p> <p>12 substantiate those?</p> <p>13 A I do not.</p> <p>14 Q But you paid for them yourself?</p> <p>15 A I did.</p> <p>16 Q All right. Now, we are moving right along.</p> <p>17 Let's look at the very first document in this Exhibit</p> <p>18 Number 3, and that is the one with 0008 at the</p> <p>19 bottom. Do you see this document?</p> <p>20 A Yes.</p> <p>21 Q And do you see it appears to be an invoice</p> <p>22 from October 31st, 2013, from 24/7 Services?</p> <p>23 A Yes.</p> <p>24 Q And it has 7341 at the top right, correct?</p> <p>25 A Yes.</p>

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<p style="text-align: right;">Page 54</p> <p>1 Q So why don't you, since you were better at 2 reading the last one than I did, maybe just read into 3 the record the narrative there under the description 4 under the word "service call".</p> <p>5 MR. FERICH: Objection. To the extent you 6 can read it.</p> <p>7 Q To the extent you can, certainly.</p> <p>8 A Okay. PEX line coming out of hot water 9 heater was leaking. I cut line out and replaced -- 10 and replaced. Checked for leaks and advised for a 11 re-plumb.</p> <p>12 Q Okay. You can stop there. I read it the 13 same.</p> <p>14 What do you recall about the circumstances 15 that led you to call 24/7 this time?</p> <p>16 A This was about a month later from the second 17 incident, and the -- actually I was out in the yard 18 doing yard work, and the garage door was open and 19 that's when I heard the (indicating) and I was like, 20 oh, dear God. This time it was on the hot-water side 21 and it was spewing, maybe not as far, but it was -- 22 it still soaked the garage. This time it soaked the 23 wall.</p> <p>24 Q Okay. This was around what time of day do 25 you think?</p>	<p style="text-align: right;">Page 56</p> <p>1 Q Do you know if they were all the same size, 2 though?</p> <p>3 A Yes.</p> <p>4 Q So among the three repairs, March, 5 September, October, all of them were the same color 6 and appeared to be the same size?</p> <p>7 A Yes.</p> <p>8 Q Does maybe like a three-quarter inch sound 9 about right?</p> <p>10 MR. FERICH: Objection.</p> <p>11 A I don't know.</p> <p>12 Q That's okay.</p> <p>13 And let's see. So tell me what -- you said 14 that 24/7 was in the neighborhood. What did they do 15 when they arrived?</p> <p>16 A Him and my husband talked, and he didn't 17 even have to turn the hot water back on because he -- 18 we showed him where it was coming out at and you 19 could visibly see it, the split.</p> <p>20 Q Even while it was still installed or only 21 after --</p> <p>22 A Yes. It was still there.</p> <p>23 Q You could see the split as it was. With the 24 water turned off and not running through it, you 25 could actually see it in the pipe before it was</p>
<p style="text-align: right;">Page 55</p> <p>1 A Mid-morning, morning.</p> <p>2 Q Okay. And what did you do then when you 3 discovered that this spray was happening?</p> <p>4 A The same again. Actually my husband was 5 home this time, and he cut the water off. While he 6 was doing that I called 24/7, and they were actually 7 in the neighborhood and came on over.</p> <p>8 Q Okay. Can you describe what you saw as far 9 as the positioning or location of where the spray was 10 originating?</p> <p>11 MR. FERICH: Object to form. Go ahead.</p> <p>12 A I could tell it was on the opposite side of 13 the one previous, so the hot-water side this time, 14 and it was up maybe like a hand length from the cold 15 leaking. It was up a couple of inches higher than 16 the other. And after he took it off, it was a longer 17 split.</p> <p>18 Q Compared with what?</p> <p>19 A To the cold side.</p> <p>20 Q Okay. And I should ask, by the way, with 21 all of these three that we've talked about so far, do 22 you recall the color and size of the pipe that was 23 removed?</p> <p>24 A The color was like clay red. Like diameter 25 or whatever, I don't have a clue.</p>	<p style="text-align: right;">Page 57</p> <p>1 removed?</p> <p>2 A Uh-huh.</p> <p>3 Q That's a yes?</p> <p>4 A Yes. Sorry.</p> <p>5 Q That's okay.</p> <p>6 And at that time -- so it looks like they 7 were there about an hour from this invoice?</p> <p>8 A Yes.</p> <p>9 Q What was the discussion regarding -- well, 10 what did you say to 24/7 Services during this visit?</p> <p>11 A Me and my husband both asked this particular 12 guy -- I think he came out twice. I don't think it 13 was the same guy the first time, but this guy came 14 out two times. It may have been. And we just asked 15 him what's the chances of this happening again. He 16 said he had no way of knowing, but that their 17 experience was that this is happening throughout the 18 neighborhood.</p> <p>19 Q To this point had you -- I know you didn't 20 after the first repair in March, but after the second 21 one in September or at any time prior to October 22 31st, had you done research and identified NIBCO PEX 23 as a concern for you?</p> <p>24 A Yes, I did.</p> <p>25 Q What did you do and when was that?</p>

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<p style="text-align: right;">Page 58</p> <p>1 A I searched the website and found a blog of 2 just my-pipes-are-leaking issue, found a blog, and 3 their writings and things that I read were verbatim 4 and exactly what I was experiencing. Some of them 5 were catastrophic.</p> <p>6 Q When was that that you saw that information? 7 A After the first leak in March, I didn't 8 really think anything about that. It was after the 9 second one. September 2013 I started researching. 10 Again, that was from my two experiences and a 11 neighbor's experience, because I said something is 12 up.</p> <p>13 Q So sometime after the second leak in 14 September 2013 was when you decided to do some 15 investigation of your own? 16 A Correct.</p> <p>17 Q And what about talking with a neighbor and 18 realizing that a neighbor was having a similar thing 19 as you just mentioned? When did that discussion 20 happen? 21 MR. FERICH: Object to the form. Go ahead. 22 A It was in the summertime. A direct time 23 frame I really can't recall.</p> <p>24 Q But it would have been before this September 25 leak?</p>	<p style="text-align: right;">Page 60</p> <p>1 Q Okay. I'm sorry. Go ahead. 2 A I just said yes.</p> <p>3 Q So it looks as though this third visit led 4 to a charge of about \$138; is that correct? 5 A Correct.</p> <p>6 Q What did they say -- what did the 24/7 7 representative say regarding a re-plumb? 8 A The questions me and my husband was asking 9 him -- we asked what his opinion was, and he said 10 that he -- he could not say whether or not we would 11 have any other issues or not, but that after three 12 incidences he said it's not if, he would say it's 13 probably when.</p> <p>14 And so we kind of asked him what the 15 procedure would be to re-plumb a house, not knowing 16 what vast process that was, but he started to tell 17 us. And then we said we would talk it over and then 18 call them back if we decided to do that and get an 19 estimate.</p> <p>20 Q Okay. I should ask before I move on and 21 come back to that. As far as the repair that was 22 done on this third visit, do you have any idea what 23 materials were used in that repair? 24 A The same, the REHAU piping that they said 25 they were using. That's what's in our house now.</p>
<p style="text-align: right;">Page 59</p> <p>1 A Yes, theirs was. Theirs was bad. And then 2 I just happened to tell her, oh, I had a leak, not 3 really thinking, you know, the first one. And then a 4 couple of months after mine and her discussion is 5 when we had our second one. And then that is pretty 6 much when I started researching and went on the 7 Internet.</p> <p>8 NIBCO's name was on that blog, and I do not 9 recall the blog. I just Googled information about 10 leaks and pipes and that kind of thing. The NIBCO 11 name was there. Then I went out and looked at the 12 pipe that I had, and it was on the pipe.</p> <p>13 Q It being the name? 14 A The name NIBCO and the date. There was a 15 date on the pipe, too.</p> <p>16 Q Okay. And all of this occurred, what you 17 just described, between September 15th of 2013 and 18 this third leak at the end of October, correct? 19 A Correct.</p> <p>20 Q Any idea whether it was a week after your 21 second leak, two weeks or any -- can you be any more 22 specific as far as time frame? 23 A I don't know.</p> <p>24 Q It's been a few years. 25 A Yeah.</p>	<p style="text-align: right;">Page 61</p> <p>1 Q Okay. Who selected those? 2 A 24/7.</p> <p>3 Q And in this case what happened to the 4 section of pipe that was removed? 5 A He again left it for me.</p> <p>6 Q So at this point you have three sections of 7 NIBCO PEX tubing that had been removed by 24/7? 8 A Yes.</p> <p>9 Q And did you -- as far as keeping those 10 and -- well, did you keep them all together? 11 A Yes.</p> <p>12 Q And do you have any other sections of NIBCO 13 pipe at this point that you had gathered or 14 accumulated? 15 A No.</p> <p>16 Q And all three of those sections, what was 17 the range of lengths, do you think, among those 18 three? 19 MR. FERICH: Objection. Asked and answered. 20 Go ahead.</p> <p>21 A All of them were less than two-foot long. I 22 think the one was two-foot and then the others were 23 shorter.</p> <p>24 Q And did you keep them all together? 25 A Yes.</p>

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<p style="text-align: right;">Page 62</p> <p>1 Q And did you send them all back to NIBCO?</p> <p>2 A Yes.</p> <p>3 Q All right. As far as repairs to your garage</p> <p>4 on this October 31st incident, did this leak damage</p> <p>5 your home at all?</p> <p>6 A It wet the -- the hot water heater is on the</p> <p>7 left side, and it sprayed and hit the right side wall</p> <p>8 and we eventually let it dry out and we just</p> <p>9 repainted it.</p> <p>10 Q Okay.</p> <p>11 A Out garage is painted in Harley-Davidson</p> <p>12 colors, and the bottom had to be repainted black.</p> <p>13 Q Got to have the black, I would think.</p> <p>14 How big of an area did you repaint because</p> <p>15 of this?</p> <p>16 A One wall, however long the garage is, but I</p> <p>17 don't know what that is.</p> <p>18 Q And how much do you think you spent on</p> <p>19 materials?</p> <p>20 A It was a gallon of black paint at Lowe's,</p> <p>21 but I do not -- I want to say like 30-something</p> <p>22 dollars approximate.</p> <p>23 Q And you paid for that yourself?</p> <p>24 A Yes.</p> <p>25 Q Do you have any documents substantiating</p>	<p style="text-align: right;">Page 64</p> <p>1 I had used them on several occasions for repairs and</p> <p>2 I thought that we were going to probably go ahead and</p> <p>3 re-plumb our house so we wouldn't have something</p> <p>4 catastrophic happen while we were gone.</p> <p>5 Q Were these two separate discussions? You</p> <p>6 mentioned Vincent Lamar. You had a discussion with</p> <p>7 him?</p> <p>8 A Yes. We were just out in the yard at one</p> <p>9 time, spoke with Vincent, and then another weekend</p> <p>10 the other neighbor.</p> <p>11 Q Do you remember the name of the other</p> <p>12 neighbor?</p> <p>13 A I do not.</p> <p>14 Q And what did Mr. Lamar say?</p> <p>15 A That we've just been having some bad luck</p> <p>16 and that he -- the incident that he had was a pipe</p> <p>17 going underneath his driveway. A coupling or</p> <p>18 fitting, whatever term he used -- I think he used</p> <p>19 fitting -- had disintegrated, I think is his term,</p> <p>20 and he had a leak come up. They came and had to</p> <p>21 drill under his driveway, pull it out and replace it.</p> <p>22 Q That reminds me actually of another</p> <p>23 question.</p> <p>24 In your home do you have any radiant heat</p> <p>25 type of plumbing like piping that's used to heat</p>
<p style="text-align: right;">Page 63</p> <p>1 that purchase?</p> <p>2 A I do not. I still have the paint can.</p> <p>3 Q Okay. So when there was a discussion of</p> <p>4 re-plumbing, did the person from 24/7 mention NIBCO</p> <p>5 specifically?</p> <p>6 A I don't recall.</p> <p>7 Q Do you remember the person's name that</p> <p>8 suggested that you do the re-plumb?</p> <p>9 A I don't recall. No, I don't. I know one</p> <p>10 gentleman that we talked to, his name was Chad, and</p> <p>11 he was very knowledgeable. He may have been the one</p> <p>12 that actually came out and helped with the re-plumb,</p> <p>13 the reason I remember him, but he was knowledgeable</p> <p>14 of the process.</p> <p>15 Q Okay. Did you get a second opinion after</p> <p>16 24/7 suggested the re-plumbing?</p> <p>17 A No. I had talked to my neighbors and, with</p> <p>18 their experience, they recommended them as well.</p> <p>19 Q Let's talk about those discussions. Which</p> <p>20 neighbors did you talk with?</p> <p>21 A Vincent Lamar. The gentleman that lived</p> <p>22 next door to him, they've moved. They lived on the</p> <p>23 corner of Sanctuary and Mansion Street. They had</p> <p>24 24/7 replace some of their pipe, and they are the</p> <p>25 ones that actually recommended them. I had told them</p>	<p style="text-align: right;">Page 65</p> <p>1 floors through hot water?</p> <p>2 A No.</p> <p>3 Q You don't have anything like that?</p> <p>4 A No.</p> <p>5 Q Do you believe that you've ever had any</p> <p>6 issues with NIBCO fittings or couplings?</p> <p>7 A Have I?</p> <p>8 Q In your home.</p> <p>9 A Nothing was mentioned of that.</p> <p>10 Q So to your knowledge, the issues have been</p> <p>11 related to tubing or piping?</p> <p>12 A Splitting, yes.</p> <p>13 Q And so you did not seek a second opinion as</p> <p>14 far as re-plumbing, correct?</p> <p>15 A Correct.</p> <p>16 Q When did you make the decision that you were</p> <p>17 going to go ahead with the re-plumbing?</p> <p>18 A They came out one day, and then we decided</p> <p>19 maybe the next day or two. It wasn't long, two days</p> <p>20 probably tops before my husband actually left to go</p> <p>21 back out on the road, because we wanted it done.</p> <p>22 Q Okay.</p> <p>23 A So then we called them, and then they came</p> <p>24 out and gave us an estimate.</p> <p>25 Q Okay. Let's go to the last page on this</p>

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<p style="text-align: right;">Page 66</p> <p>1 Exhibit 3. That is the one with Boyd 011 in the</p> <p>2 bottom. Do you see at the top right it has 6519?</p> <p>3 A Yes.</p> <p>4 Q And this appears to be a 24/7 All Services</p> <p>5 invoice from November 5th, 2013?</p> <p>6 A Yes.</p> <p>7 Q Okay. And do you recognize this to be the</p> <p>8 invoice for the re-plumbing work?</p> <p>9 A Yes. This was the estimate that we worked</p> <p>10 off of.</p> <p>11 Q Okay. And it looks like the total was</p> <p>12 listed here as \$5,350; is that correct?</p> <p>13 A That's correct.</p> <p>14 Q Is that the actual amount that you paid for</p> <p>15 this work?</p> <p>16 A Let's see. I think they gave us a discount.</p> <p>17 Q It is there right underneath, yes.</p> <p>18 A They gave us a \$300 discount because of the</p> <p>19 time that they had come out. It ended up being</p> <p>20 \$5,050. We split that half down for them to get</p> <p>21 started, and then the other half was paid at the</p> <p>22 completion of the work.</p> <p>23 Q And do you know whether as part of this</p> <p>24 re-plumb only the piping and tubing was removed or</p> <p>25 whether other items such as fittings were also</p>	<p style="text-align: right;">Page 68</p> <p>1 free of everything, no obstructions or anything.</p> <p>2 They assured us it was not.</p> <p>3 Q Okay. Did you make any decisions as far as</p> <p>4 what the product was that was going to be used to</p> <p>5 re-plumb the home?</p> <p>6 A The actual owner, Ray -- and do not know his</p> <p>7 last name. Ray, the owner of 24/7, came and spoke</p> <p>8 with me personally before the re-plumb, and I wanted</p> <p>9 to know what product he used and that's when he told</p> <p>10 me the REHAU piping.</p> <p>11 Q R-E-A-H-U perhaps?</p> <p>12 A Yes. I know it's R, something, H U.</p> <p>13 And that he would use that and some new</p> <p>14 braided stainless steel, which I think, if I'm not</p> <p>15 mistaken, it was the same company of the fittings.</p> <p>16 Everything was going to be brand new. I asked him at</p> <p>17 that time, going through this process, what was their</p> <p>18 warranty, and he proceeded to tell me that.</p> <p>19 Q And tell me your reasoning for asking him</p> <p>20 about that.</p> <p>21 A Because of my checking with Adams Homes and</p> <p>22 finding that the warranty was squat with them on</p> <p>23 plumbing, finding out that my plumber -- their</p> <p>24 plumber, the plumber for the home, was now out of</p> <p>25 business. I think their name was Monroe. Just out</p>
<p style="text-align: right;">Page 67</p> <p>1 removed?</p> <p>2 MR. FERICH: Objection. Asked and answered.</p> <p>3 Go ahead.</p> <p>4 A I asked them that, and they replaced</p> <p>5 everything. And upon my request, I did not want them</p> <p>6 to use NIBCO products.</p> <p>7 Q Okay. And at that time, other than what you</p> <p>8 had found online, had there been discussions with</p> <p>9 your neighbors where the neighbors had specifically</p> <p>10 mentioned NIBCO as a source of concern?</p> <p>11 A The name NIBCO came up on several occasions</p> <p>12 just of that it was on the pipe. I don't think that</p> <p>13 they really knew a whole lot company-wise or anything</p> <p>14 else. They just said that NIBCO was on the pipe. I</p> <p>15 told them, I said, obviously it's all the way down</p> <p>16 the street, the material that was used.</p> <p>17 Q What happened to the NIBCO products then</p> <p>18 that were removed from your home? Do you know?</p> <p>19 A We kept them for a while in the garage,</p> <p>20 which was a lot of piping. Some of it we trashed.</p> <p>21 And then we have later since found out -- and they</p> <p>22 asked during the plumbing -- found out -- or asked us</p> <p>23 if it was okay that they disconnect -- and some of</p> <p>24 it's in the wall of the home. They just left it</p> <p>25 there. And that was okay with us as long as it was</p>	<p style="text-align: right;">Page 69</p> <p>1 of concern I wanted to know what the warranty was</p> <p>2 because now I was going to be responsible for that</p> <p>3 versus having to go back to Adams Homes, the builder.</p> <p>4 MR. WESLANDER: Let's take a quick break.</p> <p>5 Let's take a ten-minute break and everybody can</p> <p>6 stretch their legs. We'll go off the record.</p> <p>7 (Recess)</p> <p>8 BY MR. WESLANDER:</p> <p>9 Q After a short break we are back on the</p> <p>10 record here at, it looks like, 10:19. And you</p> <p>11 realize, Ms. Boyd, that you are still under oath?</p> <p>12 A Yes.</p> <p>13 Q One of the things that you mentioned before</p> <p>14 we broke was that you had had some discussions with</p> <p>15 Adams Homes following this third leak in October of</p> <p>16 2013. Is that correct?</p> <p>17 A Yes.</p> <p>18 Q What did you do as far as trying to contact</p> <p>19 Adams Homes at that point?</p> <p>20 A I called the home office, which -- I say</p> <p>21 home office, the Baldwin County office in Daphne,</p> <p>22 Alabama, spoke to the receptionist and asked her</p> <p>23 could she possibly have the construction manager or</p> <p>24 whomever it would be to call me, that I have had some</p> <p>25 plumbing issues and that I needed to speak with them.</p>

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<p style="text-align: right;">Page 70</p> <p>1 Upon that call, then it was a couple of days</p> <p>2 I want to say -- I'm not a hundred percent sure, but</p> <p>3 I think his name is Perry, called me back and he told</p> <p>4 me that I would need to put it in writing to them</p> <p>5 what the issues were, and he gave me the address and</p> <p>6 that's what I did. And then the letter that's in my</p> <p>7 documents is the response from that.</p> <p>8 My letter to them was just what type of</p> <p>9 warranty do I have or what do I have as a homeowner</p> <p>10 to help me -- you know, what direction can I go or --</p> <p>11 even reaching out to them as the contractor. I</p> <p>12 expressed to them that at that time I had learned</p> <p>13 that it was NIBCO piping and that I felt like that it</p> <p>14 was defective and I was frustrated and aggravated and</p> <p>15 saddened that this has happened to a home that we</p> <p>16 have, blue-collar workers, worked very hard for, and</p> <p>17 I just laid it out to them. And he wrote me back</p> <p>18 and sent me the certificate of liability of that -- I</p> <p>19 think it was Monroe's Plumbing.</p> <p>20 Q Okay. This letter that you sent, is that</p> <p>21 something that you have given to your attorneys in</p> <p>22 this case?</p> <p>23 A No.</p> <p>24 Q Do you --</p> <p>25 A I don't have it.</p>	<p style="text-align: right;">Page 72</p> <p>1 A Everything was given to you at closing in a</p> <p>2 packet that we have.</p> <p>3 I went back and looked in that packet, and</p> <p>4 there was nothing in there. Like I said, there was</p> <p>5 stuff in there about the fireplace insert, the</p> <p>6 heater, the hot-water-heater paperwork, the</p> <p>7 air-conditioning/heating-system paperwork, but</p> <p>8 there's nothing in there about anything having to do</p> <p>9 with the plumbing or materials used.</p> <p>10 Q Okay. Did you ask when you contacted</p> <p>11 Adams -- so it sounds like you have a letter that you</p> <p>12 wrote them and then at least one follow-up phone</p> <p>13 call. Is that right?</p> <p>14 A Approximately two phone calls, I would</p> <p>15 think, yeah.</p> <p>16 Q Do you remember what you said in those</p> <p>17 follow-up phone calls?</p> <p>18 A Well, the first time was to the</p> <p>19 receptionist. Then I called her back and told her</p> <p>20 that I -- I gave her a time line that I expected him</p> <p>21 to call me back, because it was like a week or so</p> <p>22 before he called me back. At that time I had already</p> <p>23 come to my own conclusion that he wasn't calling me</p> <p>24 back because he already knew there was an issue in</p> <p>25 the neighborhood.</p>
<p style="text-align: right;">Page 71</p> <p>1 Q Okay. Do you know why that is?</p> <p>2 A I don't.</p> <p>3 Q Can you describe how you prepared it and how</p> <p>4 you sent it?</p> <p>5 A It was handwritten and it was just a</p> <p>6 handwritten -- it was handwritten, probably two</p> <p>7 paragraphs, and it was sent to Perry in Daphne,</p> <p>8 Alabama.</p> <p>9 Q I'm guessing that maybe you didn't make a</p> <p>10 copy for your records before you sent it to him?</p> <p>11 A I did not.</p> <p>12 Q Okay.</p> <p>13 A Because at that time honestly I thought they</p> <p>14 were going to step up to the plate as the contractor.</p> <p>15 I thought that it would fall under a warranty of our</p> <p>16 home.</p> <p>17 And then their letter came back and said</p> <p>18 that the plumbing warranty was for a year. Well, a</p> <p>19 new home, anything is under warranty for a year. And</p> <p>20 I expressed to him on the phone that we should have</p> <p>21 gotten something in our closing paperwork or</p> <p>22 something from somebody on the warranty of that and</p> <p>23 if they were having issues or whatever, that we</p> <p>24 should have been warned about that.</p> <p>25 Q What was Adams' response on that topic?</p>	<p style="text-align: right;">Page 73</p> <p>1 Q And by the time of your letter and phone</p> <p>2 calls had you already made the decision to do the</p> <p>3 re-plumbing?</p> <p>4 A No.</p> <p>5 Q Okay. Tell me, then, how that sequence of</p> <p>6 events happened.</p> <p>7 A I believe my first -- my first phone call to</p> <p>8 Adams was after the second split or repair because,</p> <p>9 again, speaking to the neighbor, he had said, I think</p> <p>10 we have a problem. I told them then, I said we need</p> <p>11 to reach out to the contractor and see. And I had</p> <p>12 looked in my paperwork, and I saw where the builder's</p> <p>13 warranty is a year and then the, what is it,</p> <p>14 ten-year -- I can't think of the term. I apologize.</p> <p>15 But, anyway, it's ten years on the construction, the</p> <p>16 framing.</p> <p>17 Q Okay.</p> <p>18 A Goodness. Sorry about that. Framing. Ten</p> <p>19 years on that.</p> <p>20 And so all that other, I guess, just is a</p> <p>21 year. We had no way of knowing that, any of us.</p> <p>22 Several of us said that we just assumed that we would</p> <p>23 go back to the contractor, which would be Adams</p> <p>24 Homes.</p> <p>25 I contacted them after the second because I</p>

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<p style="text-align: right;">Page 74</p> <p>1 was just trying to reach out and see what recourses I 2 might have as help. I didn't want to file it on my 3 homeowners as one of my neighbors did because their 4 homeowners went up. 5 Q That actually was a question I had. You've 6 never filed a homeowner's insurance claim related to 7 these plumbing issues? 8 A No. 9 Q After the second leak when you reached out 10 to Adams Homes, was it at that point that you sent 11 the handwritten letter or was it later? 12 A When Perry called me and told me he needed 13 it in writing, what my issue was, and he would send 14 me some paperwork, well, the paperwork that he sent 15 me was the liability sheet of the plumber that did 16 the work and that Adams Homes was not held 17 responsible or that your warranty was a year and that 18 kind of thing. 19 Q Okay. And that response -- it sounds like 20 you first attempted to contact Adams Homes after the 21 second incident? 22 A Uh-huh. 23 Q When did they respond to you as far as what 24 you just described? 25 A That document, that letter, that document is</p>	<p style="text-align: right;">Page 76</p> <p>1 Q No leaks of the kinds that we've talked 2 about today? 3 A Nothing. 4 Q I saw there was one in August of 2016. In 5 fact, I'll go ahead and -- 6 A 2016? 7 Q I'm going to mark this as Exhibit 4. 8 (Defendant's Exhibit 4 9 was marked for identification.) 10 Q This is a document we got from 24/7 11 Services. I'll give you a copy there. 12 It mentions a -- for the record here, I've 13 marked what's at the top right labeled invoice number 14 13197, August 17th, 2016, from 24/7 Services, and 15 there is no Bates number at the bottom of this 16 document. 17 Can you tell me what you recognize this to 18 be? 19 A This was the time frame when the expert came 20 out and did an inspection of my home -- 21 Q Okay. 22 A -- from my attorney's advice. 23 Q When it says technician replaced water 24 heater pressure release drain line from water heater 25 to the outside of brick wall, do you know what that's</p>
<p style="text-align: right;">Page 75</p> <p>1 in there and the date is on there. 2 Q Okay. 3 A I don't know the exact date. I don't want 4 to guess. 5 Q That's fine. We can look at that document 6 in a little bit. 7 A Okay. 8 Q When that letter came, is that the first 9 time that you had a response from Adams? 10 A From Adams, yes. 11 Q And so had a month gone by? September 15th 12 you had the second incident. You reached out to 13 Adams at some point after that. Did a whole month or 14 more go by without any response from Adams? 15 MR. FERICH: Object to form. Go ahead. 16 A I really don't recall the length. It was a 17 couple of weeks. 18 Q But the first thing in writing is -- 19 A That letter. 20 Q The document you've produced. Okay. 21 A That's the only thing I've gotten from Adams 22 Homes. 23 Q Okay. Have you had any issues with your 24 plumbing since the re-plumbing in November of 2013? 25 A No, we have not.</p>	<p style="text-align: right;">Page 77</p> <p>1 describing? 2 MR. FERICH: Objection. Eric, could we go 3 off the record for a second? 4 MR. WESLANDER: Sure. 5 (Off-the-record discussion) 6 BY MR. WESLANDER: 7 Q So was this an invoice that you paid or were 8 asked to pay, Ms. Boyd? 9 A No. 10 Q To the best of your understanding, this 11 relates to some work that was done as part of an 12 inspection at your home for this litigation, correct? 13 A Correct. 14 Q But this is not related to a separate 15 incident that you've had with your plumbing or 16 problem that you've had with your plumbing since 17 2013? 18 A Correct. 19 Q All right. Let's set that one aside. Let's 20 look briefly at some interrogatory answers. I'm 21 going to mark these now as Exhibit 5. 22 (Defendant's Exhibit 5 23 was marked for identification.) 24 MR. WESLANDER: There you go. 25 MR. FERICH: Thank you, Eric.</p>

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<p style="text-align: right;">Page 78</p> <p>1 BY MR. WESLANDER:</p> <p>2 Q Do you recognize this document? You can</p> <p>3 take a look at it, take your time if you want.</p> <p>4 A Yes, I do. I have a copy.</p> <p>5 Q Okay. And do you recognize that this is --</p> <p>6 or understand that this is basically --</p> <p>7 interrogatories are essentially written questions?</p> <p>8 A Yes.</p> <p>9 Q And that these are interrogatories or</p> <p>10 written questions that NIBCO asked you to answer?</p> <p>11 A Yes.</p> <p>12 Q And do you see on the very last page of this</p> <p>13 document that there is a verification with your</p> <p>14 signature stating that the information is true and</p> <p>15 correct to the best of your knowledge?</p> <p>16 A Yes.</p> <p>17 Q Okay. And is that in fact the case?</p> <p>18 A Yes.</p> <p>19 Q Tell me. What did you do to respond to</p> <p>20 these interrogatories?</p> <p>21 A I'm sorry. I don't understand what you</p> <p>22 want.</p> <p>23 Q Did you write the answers to these</p> <p>24 interrogatories yourself?</p> <p>25 A I did it over a telephone conversation with</p>	<p style="text-align: right;">Page 80</p> <p>1 Q Sure. Let me ask it this way.</p> <p>2 A Okay.</p> <p>3 Q We talked earlier about property insurance,</p> <p>4 and you stated you had not made any kind of a</p> <p>5 homeowner's insurance claim.</p> <p>6 A Correct.</p> <p>7 Q And that is still accurate to this day?</p> <p>8 A Yes, that's correct.</p> <p>9 Q Have you made any other kind of an insurance</p> <p>10 claim of any kind related to these NIBCO products?</p> <p>11 MR. FERICH: Same objection. Go ahead.</p> <p>12 A No, I have not.</p> <p>13 Q And you've never, then, I take it, received</p> <p>14 any amount of money to compensate you for the</p> <p>15 re-plumbing or the repairs that we've looked at. Is</p> <p>16 that right?</p> <p>17 A Correct.</p> <p>18 Q I need to ask. How did you become part of</p> <p>19 this lawsuit, to the best of your recollection?</p> <p>20 A Again, researching the blog on the Internet,</p> <p>21 there was a mention of the law firm. And I wrote</p> <p>22 that down, went on their website, kind of researched</p> <p>23 them and read their bios and their history and saw</p> <p>24 their success in class-action lawsuits, and I reached</p> <p>25 out to an attorney there.</p>
<p style="text-align: right;">Page 79</p> <p>1 my attorney.</p> <p>2 Q Okay. And did you have a chance to look at</p> <p>3 them, the completed typed-up version, before you</p> <p>4 signed it?</p> <p>5 A Yes.</p> <p>6 Q All right. Let's go to -- just a moment</p> <p>7 here.</p> <p>8 Let's look at number 8, which is on page 5.</p> <p>9 And it states here -- in response to a question about</p> <p>10 the installation and purchasing of NIBCO PEX</p> <p>11 products, you state here that they were installed in</p> <p>12 your home prior to you taking possession. You do not</p> <p>13 know where and when these products were purchased.</p> <p>14 Is that still accurate?</p> <p>15 A Yes.</p> <p>16 Q Okay. And regarding number 14, which is on</p> <p>17 page 7, the question -- and I'll give you time to</p> <p>18 look at it. This question asks about insurance</p> <p>19 proceeds, and you've answered -- there is some legal</p> <p>20 language there in the answer, but you respond no in</p> <p>21 response to this question number 14.</p> <p>22 Is that still accurate?</p> <p>23 MR. FERICH: Objection. Asked and answered.</p> <p>24 Go ahead.</p> <p>25 A What's -- I'm reading number 14?</p>	<p style="text-align: right;">Page 81</p> <p>1 Q Do you know if that's the same firm that Mr.</p> <p>2 Ferich is now representing?</p> <p>3 A Yes.</p> <p>4 Q Affiliated with the same law firm?</p> <p>5 A Yes.</p> <p>6 Q Did you sign any kind of a document, a</p> <p>7 representation agreement or anything like that?</p> <p>8 A That they would -- I agreed that they would</p> <p>9 be my attorneys.</p> <p>10 Q And was there a written document that</p> <p>11 formalized that?</p> <p>12 A Yes.</p> <p>13 Q Does it offer any kind of a bonus or payment</p> <p>14 to become part of the lawsuit?</p> <p>15 A No.</p> <p>16 Q Number 16 asks to identify any claims you've</p> <p>17 made, including warranty claims or other lawsuits. I</p> <p>18 think I know the answer to this. You've not made a</p> <p>19 property insurance claim, but is this answer still</p> <p>20 accurate, number 16, that you've not made any kind of</p> <p>21 warranty claim or any other request for compensation</p> <p>22 related to these issues?</p> <p>23 A Other than --</p> <p>24 MR. FERICH: Object to form. If you</p> <p>25 understand.</p>

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<p style="text-align: right;">Page 82</p> <p>1 A I don't understand.</p> <p>2 Q Okay. Other than this lawsuit, have you</p> <p>3 made any other kind of a claim for compensation</p> <p>4 regarding the plumbing?</p> <p>5 A No.</p> <p>6 Q What are the payments that you think NIBCO</p> <p>7 should make to you?</p> <p>8 A I would like all my money back of the</p> <p>9 repairs and the re-plumb, because being a homeowner</p> <p>10 of five years, 10 years, 20 years, whatever it is, I</p> <p>11 have never heard of anybody having to re-plumb a</p> <p>12 house, and this is happening all the way down our</p> <p>13 street. All our houses are within a time frame of</p> <p>14 2002 and 2008 so something is wrong there. I would</p> <p>15 like my money back.</p> <p>16 Q Anything else?</p> <p>17 A No.</p> <p>18 Q I'm looking now at number 19, which is on</p> <p>19 page 9, and we've asked in this one to list the names</p> <p>20 and last known addresses of individuals other than</p> <p>21 your attorney that you've discussed the incidents in</p> <p>22 this complaint about or with.</p> <p>23 And you've mentioned two people there, I</p> <p>24 know. Vincent Lamar is one that has come up. Is</p> <p>25 that your next-door neighbor?</p>	<p style="text-align: right;">Page 84</p> <p>1 plumbing in your home?</p> <p>2 A No.</p> <p>3 Q To the best of your knowledge, when would</p> <p>4 that have been?</p> <p>5 A It was after the second incident.</p> <p>6 Q And with regard to Mr. Lamar?</p> <p>7 A Probably around the same time of the second</p> <p>8 incident, and it was on a weekend in the fall. We</p> <p>9 were just out in the yard, and he walked down and,</p> <p>10 again, just inquisitive neighbors, just what's going</p> <p>11 on, what's the van about. He said, I've used them.</p> <p>12 They are good people.</p> <p>13 Q Did either Ms. Stewart or Mr. Lamar say</p> <p>14 anything specifically about NIBCO?</p> <p>15 A Allison Stewart, no.</p> <p>16 Vincent said that when they pulled the pipe</p> <p>17 out of his driveway it had NIBCO on it, just stamped</p> <p>18 on it. I said, oh, well, they probably used that</p> <p>19 same pipe all the way down the street.</p> <p>20 Q And to the best of your recollection, when</p> <p>21 would he have had that pipe or told you about having</p> <p>22 that pipe removed from his driveway?</p> <p>23 MR. FERICH: Object to form. Go ahead.</p> <p>24 A I don't know.</p> <p>25 Q So number 20 here I'm going to move to, and</p>
<p style="text-align: right;">Page 83</p> <p>1 A Two doors down.</p> <p>2 Q And then Allison Stewart is another person.</p> <p>3 Who is Allison Stewart?</p> <p>4 A A next-door neighbor.</p> <p>5 Q Immediate next door?</p> <p>6 A Uh-huh.</p> <p>7 Q Okay. And if you could, let me know for</p> <p>8 each of these the discussions you've had and, to the</p> <p>9 best of your recollection, the timing of those</p> <p>10 discussions.</p> <p>11 MR. FERICH: Objection. Asked and answered</p> <p>12 as to Vincent Lamar. Go ahead.</p> <p>13 A Ask that question again.</p> <p>14 Q Sure.</p> <p>15 Well, let's take Allison Stewart first.</p> <p>16 What discussions did you have with Allison Stewart</p> <p>17 and when?</p> <p>18 A When, I don't know an exact date. And my</p> <p>19 discussion with her was brief, just simply she saw</p> <p>20 the 24/7 vehicle in my driveway and then she saw that</p> <p>21 same van on the other side of her, and she says</p> <p>22 what's going on. I just said, we're having some</p> <p>23 plumbing issues, pipe issues and she needs to keep a</p> <p>24 lookout.</p> <p>25 Q Any other discussions with her about the</p>	<p style="text-align: right;">Page 85</p> <p>1 this one asks about communications with NIBCO. So</p> <p>2 let's focus on this for a minute. Your answer states</p> <p>3 that you corresponded with NIBCO regarding testing of</p> <p>4 a defective pipe.</p> <p>5 What do you remember about that?</p> <p>6 MR. FERICH: Objection. Asked and answered.</p> <p>7 Go ahead.</p> <p>8 A I'm not sure I understand the question.</p> <p>9 Q Well, do you recall when this correspondence</p> <p>10 was?</p> <p>11 A Exact date, no. I believe it was -- it was</p> <p>12 in November of 2013. I reached out to them after</p> <p>13 seeing the name on the pipe and seeing it on the</p> <p>14 website, finding a number to call. I did get a</p> <p>15 customer service. They sent me to -- I want to say</p> <p>16 they said a control specialist. Then they said that</p> <p>17 -- I think they took some general information, name,</p> <p>18 address, things like that, and then they said they</p> <p>19 would be sending me something in the mail in regards</p> <p>20 of what to do. And that's in the documents that I've</p> <p>21 supplied.</p> <p>22 Q Okay. We'll look at those in a little bit.</p> <p>23 I just -- I wondered if you had any other</p> <p>24 discussions.</p> <p>25 A No.</p>

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<p style="text-align: right;">Page 86</p> <p>1 Q What was your reasoning then for reaching</p> <p>2 out to NIBCO then in this instance that's described?</p> <p>3 MR. FERICH: Objection. You can answer.</p> <p>4 A Finding out that the plumber had gone out of</p> <p>5 business, then I was reaching out to the company to</p> <p>6 see if somehow or another that that would be a way of</p> <p>7 getting reimbursed for our repairs and re-plumb.</p> <p>8 Q Okay. Let's see. I think that's all I need</p> <p>9 to ask about those so you can set that one aside for</p> <p>10 now.</p> <p>11 MR. FERICH: Just to be clear, you marked</p> <p>12 that as Defendant's Exhibit 4?</p> <p>13 MR. WESLANDER: Yeah. That was --</p> <p>14 THE WITNESS: 5.</p> <p>15 MR. WESLANDER: 5.</p> <p>16 MR. FERICH: What was 4?</p> <p>17 MR. WESLANDER: 4 was this one, the</p> <p>18 August 17th, 2016 invoice.</p> <p>19 MR. FERICH: I wasn't sure we marked that.</p> <p>20 MR. WESLANDER: We did.</p> <p>21 BY MR. WESLANDER:</p> <p>22 Q Okay. Let's see here. Let's talk about the</p> <p>23 documentation that you've done. We've talked about</p> <p>24 you retaining some of the pipe.</p> <p>25 What about pictures, video, any other</p>	<p style="text-align: right;">Page 88</p> <p>1 took photos or video of the NIBCO products that had</p> <p>2 been removed from your home?</p> <p>3 A Other than during the inspection, yes.</p> <p>4 Q Fair enough. Fair enough. Great.</p> <p>5 Do you know if Allison Stewart reported</p> <p>6 having any NIBCO leaks in her home?</p> <p>7 A She has not.</p> <p>8 Q Or PEX leaks in her home I should say.</p> <p>9 But both Ms. Stewart and Mr. Lamar, being in</p> <p>10 the same subdivision, their houses were both built by</p> <p>11 Adams, correct?</p> <p>12 A Yes, the whole subdivision.</p> <p>13 Q And as far as you know, has the same --</p> <p>14 well, do you have any information one way or another</p> <p>15 suggesting whether they all have the same plumbing</p> <p>16 materials that were used during their construction?</p> <p>17 A I have no knowledge of that.</p> <p>18 Q Okay. Let's look at some photos. I'm going</p> <p>19 to mark this as Exhibit 6.</p> <p>20 (Defendant's Exhibit 6</p> <p>21 was marked for identification.)</p> <p>22 Q And I will ask you if you recognize -- I'll</p> <p>23 represent this is a document we've produced in this</p> <p>24 litigation that I believe came from our internal</p> <p>25 people at NIBCO. I'll ask if you recognize it.</p>
<p style="text-align: right;">Page 87</p> <p>1 documentation that you did to memorialize these leaks</p> <p>2 that we've talked about?</p> <p>3 Let me ask it this way. What did you do to</p> <p>4 document these leaks as they started occurring in</p> <p>5 March of 2013?</p> <p>6 A I took pictures, and I sent some piping to</p> <p>7 NIBCO, and I sent some piping to a representative</p> <p>8 that my attorney advised me to send to.</p> <p>9 MR. FERICH: Objection. Move to strike</p> <p>10 attorney-client privilege.</p> <p>11 THE WITNESS: Sorry.</p> <p>12 Q That's okay. I will not ask you to reveal</p> <p>13 any substance of discussions with your attorneys.</p> <p>14 In terms of photographing these, we have</p> <p>15 some photos that we'll look at in a moment. Can you</p> <p>16 tell me generally when you photographed the NIBCO</p> <p>17 pipes? All at once or did you do them after each</p> <p>18 repair?</p> <p>19 A I don't recall.</p> <p>20 Q Okay. We'll look at them and we can get</p> <p>21 there.</p> <p>22 Did anybody else -- did your husband do any</p> <p>23 documenting or video or pictures?</p> <p>24 A No.</p> <p>25 Q As far as you know, you're the only one who</p>	<p style="text-align: right;">Page 89</p> <p>1 A Yes.</p> <p>2 Q Okay. What is it?</p> <p>3 A It is a piece of tubing that came from one</p> <p>4 of the repairs.</p> <p>5 Q And do you know which repair this piece of</p> <p>6 tubing is from?</p> <p>7 A I believe the second one, which would have</p> <p>8 been in September.</p> <p>9 Q Okay. What makes you think that?</p> <p>10 A Because the first -- I mean, the second one</p> <p>11 and the third one had a definite split, and you can</p> <p>12 see it right there.</p> <p>13 Q Okay. You're pointing at it?</p> <p>14 A To the split, the crack.</p> <p>15 Q The bottom edge of the opening of the pipe</p> <p>16 in this picture?</p> <p>17 A Yes.</p> <p>18 Q Okay. And is this a photo that you took?</p> <p>19 A Yes.</p> <p>20 Q And to the best of your recollection, do you</p> <p>21 remember when you took it?</p> <p>22 A I don't.</p> <p>23 Q And where did you take this photo?</p> <p>24 A In my home.</p> <p>25 Q So it sounds like we, as best you can</p>

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<p style="text-align: right;">Page 90</p> <p>1 discern, are looking at the piece of pipe removed at</p> <p>2 the time of the second repair?</p> <p>3 A Yes.</p> <p>4 Q And when I say removed, removed by 24/7?</p> <p>5 A Correct.</p> <p>6 Q Let's look at another one. I'm marking this</p> <p>7 now as Exhibit 7.</p> <p>8 (Defendant's Exhibit 7</p> <p>9 was marked for identification.)</p> <p>10 Q Is this, Exhibit 7, something that you also</p> <p>11 recognize?</p> <p>12 A Yes.</p> <p>13 Q Okay. What do you recognize it to be?</p> <p>14 A Another piece of pipe that is showing a</p> <p>15 split, and I believe this was taken at the same time.</p> <p>16 I think the picture -- I do recall the pictures that</p> <p>17 I took were all on the same day.</p> <p>18 Q Okay. They certainly appear to be sitting</p> <p>19 on like a bath mat or something that --</p> <p>20 A On a rug.</p> <p>21 Q Do you know whether these two that we've</p> <p>22 just looked at in Number 6 and Number 7 are the same</p> <p>23 piece of pipe or different pieces?</p> <p>24 A I believe they are different. They are</p> <p>25 different. I had three pieces.</p>	<p style="text-align: right;">Page 92</p> <p>1 A I just took it for my own purpose on a cell</p> <p>2 phone.</p> <p>3 Q Okay. You wanted to document the condition?</p> <p>4 A Documentation.</p> <p>5 Q Okay. All right. Let's look at another one</p> <p>6 here. We're going to mark this one as Exhibit 8.</p> <p>7 (Defendant's Exhibit 8</p> <p>8 was marked for identification.)</p> <p>9 Q It's yet another photo. So, again, we have</p> <p>10 a similar colored pipe on a similar colored rug. Is</p> <p>11 this something that you believe you also -- a</p> <p>12 photograph that you took?</p> <p>13 A Yes.</p> <p>14 Q And do you have any idea which of the three</p> <p>15 repairs that we've talked about this particular pipe</p> <p>16 in this Exhibit 8 is from?</p> <p>17 A I don't recall.</p> <p>18 Q And fair to say that your reason for taking</p> <p>19 this one was the same as for what you described with</p> <p>20 the previous two?</p> <p>21 A Just documentation.</p> <p>22 Q And any idea when you took these three?</p> <p>23 A It would be after all three repairs.</p> <p>24 Q And was anyone else present when you took</p> <p>25 these photos?</p>
<p style="text-align: right;">Page 91</p> <p>1 Q What makes you think that they are different</p> <p>2 pieces?</p> <p>3 MR. FERICH: Objection. Speculative. Go</p> <p>4 ahead.</p> <p>5 A Some of them had the stamp pretty evident</p> <p>6 with a date on it. Is there another one? I tried to</p> <p>7 get some to show all that. Well, this one does.</p> <p>8 Q Sure.</p> <p>9 A This one does not, where I was trying to get</p> <p>10 it to where it showed better.</p> <p>11 Q Do you have any idea whether the one that we</p> <p>12 are looking at now in Exhibit 7 is from the first,</p> <p>13 second or third repair?</p> <p>14 MR. FERICH: Objection. Go ahead if you</p> <p>15 know.</p> <p>16 A I don't know for sure.</p> <p>17 Q But to the best of your knowledge, these</p> <p>18 were both taken by you on the same day?</p> <p>19 A Yes.</p> <p>20 Q And just to clarify, what was it that caused</p> <p>21 you to, on this particular day, take the photos?</p> <p>22 MR. FERICH: Objection. If you know.</p> <p>23 Q What I'm trying to figure out is if this was</p> <p>24 for something that you were going to be giving to</p> <p>25 Adams or to NIBCO or someone else?</p>	<p style="text-align: right;">Page 93</p> <p>1 A I believe my husband was home that day.</p> <p>2 Q Okay. For all of these photos we've looked</p> <p>3 at, 6, 7 and 8, are these pipes in the same</p> <p>4 condition, to your knowledge, that they were when</p> <p>5 they were removed by 24/7?</p> <p>6 MR. FERICH: Object to form. You can</p> <p>7 answer.</p> <p>8 A Yes.</p> <p>9 Q You hadn't done anything to change the way</p> <p>10 that they looked or anything like that, right?</p> <p>11 A No.</p> <p>12 Q So let's set that aside for just a moment</p> <p>13 and let's look at one more document, and that is</p> <p>14 Exhibit 9. Actually, let me back up here.</p> <p>15 I'm going to mark instead as Exhibit 9 --</p> <p>16 this is a document that is part of the documents that</p> <p>17 we have received from you in this litigation.</p> <p>18 (Defendant's Exhibit 9</p> <p>19 was marked for identification.)</p> <p>20 Q We're looking at here a document with</p> <p>21 numbers 005 and 006 in the bottom right corner,</p> <p>22 agreed?</p> <p>23 A Yes.</p> <p>24 Q What is this document, to the best of your</p> <p>25 knowledge?</p>

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<p style="text-align: right;">Page 94</p> <p>1 A This was just kind of like a cover sheet of</p> <p>2 time line I believe that the safety control person</p> <p>3 may have told me to include in the piping to NIBCO.</p> <p>4 Q Okay. So this is just something that you</p> <p>5 actually sent to NIBCO?</p> <p>6 A With the pipe.</p> <p>7 Q Okay. Did you also send this to anyone</p> <p>8 else?</p> <p>9 A I don't recall. I don't recall.</p> <p>10 Q Okay. And so when you sent the pipe back to</p> <p>11 NIBCO, you would have also included this?</p> <p>12 A Yes.</p> <p>13 Q Okay.</p> <p>14 A And I thought I had put on there something</p> <p>15 -- he had told me to write a statement whether or</p> <p>16 not to return it to me or they could destroy it. I</p> <p>17 don't have that. I think maybe I had included it in</p> <p>18 that, but maybe I didn't.</p> <p>19 Q Okay. This is only a section of the</p> <p>20 documents you've given. We'll look at a few more and</p> <p>21 it may connect. You can set that one aside for now.</p> <p>22 Let's look at -- I'm going to mark as</p> <p>23 Exhibit 10 now a document that, again, is marked with</p> <p>24 the Boyd Bates labels. This has number 0007 at the</p> <p>25 bottom right. Do you see that?</p>	<p style="text-align: right;">Page 96</p> <p>1 Q -- from the repairs.</p> <p>2 Before or after the re-plumb? Do you</p> <p>3 remember?</p> <p>4 MR. FERICH: Object to form.</p> <p>5 Q I'm just trying to nail down the sequence of</p> <p>6 events from when you sent the pipe back to NIBCO in</p> <p>7 connection or in relation to the re-plumb occurring.</p> <p>8 Which happened first?</p> <p>9 MR. FERICH: Object to form.</p> <p>10 Q The re-plumb or you sending the pipes back</p> <p>11 to NIBCO?</p> <p>12 MR. FERICH: Object to form. Do you</p> <p>13 understand?</p> <p>14 A I don't think I know that date.</p> <p>15 Q Okay. To the best of your recollection,</p> <p>16 talk me through when you reached out to NIBCO in</p> <p>17 relation to the re-plumb occurring at your home.</p> <p>18 MR. FERICH: Object to form. If you</p> <p>19 understand.</p> <p>20 A Well, just looking at the initiation date on</p> <p>21 the document, November 8th would have been prior to</p> <p>22 the re-plumb.</p> <p>23 Q Okay.</p> <p>24 A Because my re-plumb started the week</p> <p>25 before -- two weeks before Thanksgiving of 2013,</p>
<p style="text-align: right;">Page 95</p> <p>1 A Yes.</p> <p>2 (Defendant's Exhibit 10</p> <p>3 was marked for identification.)</p> <p>4 Q What do you recognize -- do you recognize</p> <p>5 this document?</p> <p>6 A Yes.</p> <p>7 Q What do you recognize it to be?</p> <p>8 A After I had sent them what they had asked me</p> <p>9 for for evaluation of defects, I sent -- I'm pretty</p> <p>10 sure that cover letter, the pipe to them, and this is</p> <p>11 their response letter --</p> <p>12 Q Okay.</p> <p>13 A -- about a month or so later.</p> <p>14 Q Okay. And it looks as though you initiated</p> <p>15 this report on the 8th of November 2013; is that</p> <p>16 right?</p> <p>17 A That's correct.</p> <p>18 Q Does that match your recollection? This</p> <p>19 would have been maybe a week or so after the October</p> <p>20 31st leak?</p> <p>21 A Uh-huh. It was with the repair pipes. It</p> <p>22 was before the re-plumb.</p> <p>23 Q Okay. So you sent back the pipes that had</p> <p>24 been removed by 24/7 --</p> <p>25 A From the repairs.</p>	<p style="text-align: right;">Page 97</p> <p>1 because I was adamant that they get finished with</p> <p>2 that before Thanksgiving.</p> <p>3 Q Okay. Makes sense.</p> <p>4 A Time-line-wise this would have been</p> <p>5 initiated before the re-plumb.</p> <p>6 Q Okay. So you made the decision to do the</p> <p>7 re-plumb in early November, but it didn't actually</p> <p>8 occur for a couple of more weeks?</p> <p>9 A Correct.</p> <p>10 Q And in that time frame you were in touch the</p> <p>11 NIBCO?</p> <p>12 A Uh-huh.</p> <p>13 Q Okay. Got it. I just wanted to clarify</p> <p>14 that.</p> <p>15 Now, it says here on this document,</p> <p>16 Exhibit 10 -- in dark type in the middle of the page</p> <p>17 there's a description stating -- and it begins -- I</p> <p>18 won't read the whole thing -- quote, this tubing was</p> <p>19 not found to be factory defective.</p> <p>20 And I wonder when you got -- well, do you</p> <p>21 remember receiving this response letter from NIBCO?</p> <p>22 A Yes.</p> <p>23 Q Approximately when was that, in your</p> <p>24 recollection?</p> <p>25 A A couple of weeks after I called them, so --</p>

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<p style="text-align: right;">Page 98</p> <p>1 Q What was your reaction when you got this 2 response letter?</p> <p>3 A I was very upset and thought that they were 4 just trying to wiggle theirselves out of 5 responsibility.</p> <p>6 Q Did you read, at the time that this letter 7 came in, the conclusion that it appeared that -- that 8 the tubing appeared to be overstressed at some point?</p> <p>9 MR. FERICH: Object to form. Go ahead if 10 you understand.</p> <p>11 A I read their explanation of their 12 evaluation.</p> <p>13 Q And did you take any action in response to 14 that explanation?</p> <p>15 A I asked 24/7 about this part about the 16 expansion tanks. Our Baldwin County building 17 inspector said that that is not required, and they 18 said that I should be okay because I have a pressure 19 relief valve. And I think I put that in the other 20 document, that I had a pressure relief valve on 21 there.</p> <p>22 Q Sure.</p> <p>23 And did you consider adding a thermal 24 expansion tank?</p> <p>25 A After I read this, that's when I questioned</p>	<p style="text-align: right;">Page 100</p> <p>1 Q And who is that?</p> <p>2 A The owner now is Gene Kelly.</p> <p>3 Q Okay. Have you talked to him personally 4 then about the repairs that he had?</p> <p>5 A No.</p> <p>6 Q How do you know that he's had to do that?</p> <p>7 A 24/7 was down there, and I just rolled down 8 my window one day and just said, another one? The 9 guy just said, we're re-plumbing.</p> <p>10 Q At Mr. Kelly's home?</p> <p>11 A Yes.</p> <p>12 Q When was this approximately?</p> <p>13 A This has just been the last five or 14 six months.</p> <p>15 Q And what you just described there, do you 16 have any other basis for knowing about repairs that 17 were done at Mr. Kelly's home?</p> <p>18 A No.</p> <p>19 Q Any other instance of a home that had an 20 expansion tank installed but, nevertheless, had 21 plumbing problems?</p> <p>22 MR. FERICH: Object to form.</p> <p>23 A Say that again.</p> <p>24 Q Do you know of any other instances besides 25 Mr. Kelly's home in terms of a home in your</p>
<p style="text-align: right;">Page 99</p> <p>1 why didn't I have one. Some of us do and some of us 2 don't. Some of them that have it, their pipes still 3 busted.</p> <p>4 Q And how do you know that?</p> <p>5 A Because I didn't even know what a thermal 6 expansion tank was until I walked two doors down and 7 they were having issues and then I said, oh, is that 8 what that is? It's a small little tank coming off of 9 the hot water heater. I said, I don't have one of 10 those. He has one.</p> <p>11 Q And who is this?</p> <p>12 A Gene Kelly. Well, he's the one that lives 13 there now. It was Vincent Lamar's home.</p> <p>14 Q Okay. And Mr. Lamar at some point showed 15 you his expansion --</p> <p>16 A Yeah. Well, the garage was open and we were 17 just kind of standing there.</p> <p>18 Q What issues had he had despite the thermal 19 expansion tank?</p> <p>20 A Well, at that point none other than the pipe 21 going through the driveway. But since he has sold 22 and moved, that whole house has been re-plumbed by 23 24/7.</p> <p>24 Q Do you know why?</p> <p>25 A Pipes busting and his home was flooded.</p>	<p style="text-align: right;">Page 101</p> <p>1 subdivision having a thermal expansion tank but still 2 having the kinds of issues that you had?</p> <p>3 A Not around me, but on the blog there was 4 instances of that, that it didn't matter.</p> <p>5 Q Okay. Just to be clear, you have not 6 installed a thermal expansion tank to date, correct?</p> <p>7 A No. We haven't changed anything to our 8 system. We still just have the pressure relief 9 valve.</p> <p>10 Q So after you got this and read it, did you 11 take any other action in response to this letter?</p> <p>12 A With NIBCO, no.</p> <p>13 Q Do you recall when it was that you made a 14 decision to become a member of this class in this 15 complaint?</p> <p>16 MR. FERICH: Objection. Asked and answered. 17 You can respond.</p> <p>18 A I don't recall the exact date, but I do 19 believe it was during the time of my re-plumb, so it 20 was middle of November 2013 because this had already 21 happened and I had told my husband, I said, we're 22 going to move forward, we're going to be out several 23 thousand dollars. If this attorney has the 24 experience that they have and they are not going to 25 come up -- Adams Homes is not going to come up, then</p>

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<p style="text-align: right;">Page 102</p> <p>1 maybe this would be the direction to go.</p> <p>2 Q I've put these all in one group. Whether</p> <p>3 they are all related we will see, but I will tell you</p> <p>4 that what I'm marking now as Exhibit 11 is the first</p> <p>5 four pages of a production of documents that we</p> <p>6 received from you Ms. Boyd, and so they have markings</p> <p>7 at the bottom of 001 through 004. Let's just talk</p> <p>8 through them one at a time, if we could.</p> <p>9 (Defendant's Exhibit 11</p> <p>10 was marked for identification.)</p> <p>11 Q As I look down at the very first page here,</p> <p>12 Boyd 0001, we see that this is a letter from Adams</p> <p>13 Homes, correct?</p> <p>14 A Correct.</p> <p>15 Q And it's dated January 3rd, 2014, right?</p> <p>16 A Yes.</p> <p>17 Q Okay. And is this the letter that you had</p> <p>18 mentioned earlier from Adams Homes?</p> <p>19 A It is.</p> <p>20 Q And you've not received any other written</p> <p>21 communication from Adams Homes regarding these</p> <p>22 plumbing issues, correct?</p> <p>23 A No.</p> <p>24 Q And what was your response upon receiving</p> <p>25 this letter from Mr. Malone?</p>	<p style="text-align: right;">Page 104</p> <p>1 A Yes.</p> <p>2 Q What did you learn about Monroe's Value</p> <p>3 Plumbing, LLC, after you got this information from</p> <p>4 Mr. Malone?</p> <p>5 A I tried to find a phone number and both</p> <p>6 places, Cantonment, Florida, and Summerdale, Alabama,</p> <p>7 both were disconnected and found out that they were</p> <p>8 out of business.</p> <p>9 Q Okay. And you say Summerdale, Alabama, and</p> <p>10 Cantonment, Florida. Those are addresses listed on</p> <p>11 two of these three pages, right?</p> <p>12 A Correct.</p> <p>13 Q Okay. And so did you do anything else to</p> <p>14 try to get in touch with Monroe's Value Plumbing</p> <p>15 after you learned that they were out of business?</p> <p>16 A No.</p> <p>17 Q Did you try to find out who Mr. Monroe was</p> <p>18 or anything like that?</p> <p>19 MR. FERICH: Objection. You can answer.</p> <p>20 A No, I did not.</p> <p>21 Q Assuming it's Mr. Monroe. It could be Ms.</p> <p>22 Monroe.</p> <p>23 A I don't know.</p> <p>24 Q Did you have any further contact or</p> <p>25 discussions with Adams Homes following the receipt of</p>
<p style="text-align: right;">Page 103</p> <p>1 A That nothing we were going through was under</p> <p>2 warranty and that I needed to try to reach out to</p> <p>3 this plumber.</p> <p>4 Q Okay. And when you say this plumber, we are</p> <p>5 looking on the next page, Boyd 002. There is a</p> <p>6 certificate of liability insurance. Was that</p> <p>7 included in the letter from Mr. Malone?</p> <p>8 A It was.</p> <p>9 Q Let's just do this while we're going ahead</p> <p>10 here. Page 003 of this exhibit, was that also</p> <p>11 included in the letter?</p> <p>12 A Yes.</p> <p>13 Q And then what about the certificate of</p> <p>14 occupancy that we see at 004? Was that also</p> <p>15 included?</p> <p>16 A I don't recall that.</p> <p>17 Q Okay. So that may be something that you had</p> <p>18 separately?</p> <p>19 A I had that.</p> <p>20 Q Okay. Got it. So I've tacked it on here in</p> <p>21 this exhibit, but really these first three pages are</p> <p>22 one item.</p> <p>23 Okay. So did you review then -- when you</p> <p>24 mentioned this plumber, are you referring to Monroe's</p> <p>25 Value Plumbing, LLC?</p>	<p style="text-align: right;">Page 105</p> <p>1 this letter?</p> <p>2 A Not that I recall.</p> <p>3 Q Okay.</p> <p>4 A Honestly, if I did, it probably was a nasty</p> <p>5 phone call just telling them that I wasn't happy with</p> <p>6 the warranty and them shirking their responsibility</p> <p>7 as a contractor.</p> <p>8 Q Okay. Let's see here. Bear with me just a</p> <p>9 moment.</p> <p>10 There are some communications that we</p> <p>11 received through NIBCO that discuss you forwarding</p> <p>12 along information prior to this evaluation response</p> <p>13 letter that came from NIBCO. Do you recall those</p> <p>14 emails that you sent to people at NIBCO or at their</p> <p>15 insurer, CHUBB?</p> <p>16 A I do not.</p> <p>17 Q I'm just trying to --</p> <p>18 A CHUBB sounds familiar, but I can't correlate</p> <p>19 the two. If I'm not mistaken, CHUBB might have had</p> <p>20 something to do with Monroe Plumbing.</p> <p>21 Q Okay. And that may be my mistake. I'm just</p> <p>22 trying to kind of put it all in context in terms of</p> <p>23 what was happening when.</p> <p>24 A May I?</p> <p>25 Q Anytime, sure. Please feel free to refer</p>

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<p style="text-align: right;">Page 106</p> <p>1 to -- you're looking at Exhibit 11?</p> <p>2 A Yes.</p> <p>3 MR. FERICH: Is there a question pending?</p> <p>4 Q Well, let me --</p> <p>5 A CHUBB just rings a bell now that you said</p> <p>6 that.</p> <p>7 Q Okay.</p> <p>8 A But not a hundred percent -- I want to say</p> <p>9 it stems from this certificate of liability. I do</p> <p>10 think that somehow or another that name came up and</p> <p>11 that was their insurance company.</p> <p>12 MR. FERICH: Linda, are you sure of this?</p> <p>13 THE WITNESS: No, I'm not.</p> <p>14 MR. FERICH: Is there any question pending</p> <p>15 right now?</p> <p>16 MR. WESLANDER: Well, we can move on.</p> <p>17 BY MR. WESLANDER:</p> <p>18 Q So let's talk briefly about collection of</p> <p>19 documents and things like that.</p> <p>20 A Okay.</p> <p>21 Q We have, I think, 11 pages of documents that</p> <p>22 came from you through your attorneys. Do you believe</p> <p>23 you have anything else potentially relating to these</p> <p>24 leaks that we've been talking about that has not yet</p> <p>25 been produced to your attorneys?</p>	<p style="text-align: right;">Page 108</p> <p>1 speculative. You can answer.</p> <p>2 A I don't think I spoke with my husband about</p> <p>3 it, but I actually did call State Farm and talk to</p> <p>4 them about it.</p> <p>5 Q What was that discussion?</p> <p>6 A Just what were my options. And she said</p> <p>7 that they would not pay for a re-plumb. I told her</p> <p>8 that we had several repairs, and she said my</p> <p>9 deductible, and it just kind of just dead-ended</p> <p>10 there. I was really calling to see what the option</p> <p>11 was on my homeowner's, if the re-plumb situation</p> <p>12 might have been covered under that, but it was not.</p> <p>13 That's with State Farm.</p> <p>14 Q And was it that it would not have been</p> <p>15 covered or that it would have fallen within your</p> <p>16 deductible?</p> <p>17 MR. FERICH: Object to form. You can</p> <p>18 answer.</p> <p>19 A It was not covered.</p> <p>20 Q Okay. Did they tell you why that was?</p> <p>21 A Because the whole plumbing -- they said that</p> <p>22 the whole plumbing would have had to be busted and</p> <p>23 they don't just replace the piping. They would -- my</p> <p>24 homeowner's replaced damages. In other words, they</p> <p>25 would have replaced my ceiling or my furniture or</p>
<p style="text-align: right;">Page 107</p> <p>1 A Within the last two weeks I've gone over</p> <p>2 everything and there's nothing else.</p> <p>3 Q Okay. And as part of NIBCO's evaluation</p> <p>4 process that it did that ended in this -- or that</p> <p>5 resulted in this response letter that we looked at</p> <p>6 previously, to the best of your recollection, what</p> <p>7 all did you provide to NIBCO?</p> <p>8 MR. FERICH: Objection. Asked and answered.</p> <p>9 You can answer.</p> <p>10 A I packaged up the repair pipe and sent that</p> <p>11 in for them to evaluate.</p> <p>12 Q And you were doing this before or after you</p> <p>13 had a response from Adams Homes regarding whether</p> <p>14 they would potentially cover the problems you had?</p> <p>15 MR. FERICH: Objection. Asked and answered</p> <p>16 a number of times now. Go ahead and answer again.</p> <p>17 A I was dealing with Adams Homes trying to</p> <p>18 find answers, and then I was trying to speak with</p> <p>19 someone at NIBCO to find out. My whole process of</p> <p>20 that was trying to find somebody to help me with what</p> <p>21 were my options.</p> <p>22 Q How much did you consider making a</p> <p>23 homeowner's insurance claim? I know you said that</p> <p>24 you didn't, but did you discuss it with your husband?</p> <p>25 MR. FERICH: Objection to the extent it's</p>	<p style="text-align: right;">Page 109</p> <p>1 flooring or whatever, but they are not going to</p> <p>2 replace piping.</p> <p>3 Q I think I understand. I got it.</p> <p>4 A That's the best way I can say it.</p> <p>5 Q That makes sense.</p> <p>6 MR. WESLANDER: Let's see here. Let me take</p> <p>7 a short break. I think I'm about to reach the end</p> <p>8 here. Let's go off the record.</p> <p>9 (Recess)</p> <p>10 BY MR. WESLANDER:</p> <p>11 Q Ms. Boyd, back on the record here after a</p> <p>12 short break, you realize you're still under oath,</p> <p>13 correct?</p> <p>14 A Correct.</p> <p>15 Q I'm going to give you a couple of documents</p> <p>16 here. First of all, I'm going to give you what I'm</p> <p>17 marking as Exhibit 12.</p> <p>18 (Defendant's Exhibit 12</p> <p>19 was marked for identification.)</p> <p>20 Q It looks like this is a letter on NIBCO's</p> <p>21 letterhead. Take your time if you need to. Do you</p> <p>22 recognize this document?</p> <p>23 A Yes.</p> <p>24 Q What do you recognize it to be?</p> <p>25 A It was a letter from a control specialist,</p>

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<p style="text-align: right;">Page 110</p> <p>1 is what I remember, from my initiation of calling</p> <p>2 them and asking them about evaluating my pipes.</p> <p>3 Q Okay. And have you retained a copy of this</p> <p>4 letter in your own record?</p> <p>5 A Possibly, but I don't still have it.</p> <p>6 Q Okay.</p> <p>7 A But I do remember this gentleman, the name.</p> <p>8 Q John McAtee?</p> <p>9 A Yes.</p> <p>10 Q Did you talk to Mr. McAtee on the phone</p> <p>11 ever?</p> <p>12 A I don't recall.</p> <p>13 Q Okay. It looks as though this letter is</p> <p>14 asking you to provide some additional information.</p> <p>15 Do you remember what you did in response to this</p> <p>16 letter?</p> <p>17 A I want to say -- I don't recall. I'm sorry.</p> <p>18 Q Okay. No. That's all right. That's all</p> <p>19 right.</p> <p>20 Let me mark Exhibit 13 here.</p> <p>21 (Defendant's Exhibit 13</p> <p>22 was marked for identification.)</p> <p>23 Q I'll hand you this and ask if you recognize</p> <p>24 this document.</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 112</p> <p>1 Q Do you understand this correctly that this</p> <p>2 was authorizing or documenting that you would be</p> <p>3 returning three lengths of pipe to NIBCO?</p> <p>4 A Correct.</p> <p>5 Q Is that, to the best of your recollection,</p> <p>6 how many lengths of pipe you sent to NIBCO?</p> <p>7 A It was three from the repair and -- yes,</p> <p>8 three or four.</p> <p>9 Q And to the best of your knowledge, did the</p> <p>10 pipe lengths that you returned to NIBCO include a</p> <p>11 length of pipe from all three of the repairs that</p> <p>12 we've talked about, March 2013, September 2013,</p> <p>13 October 2013?</p> <p>14 A Yes.</p> <p>15 Q Okay. Thank you. I just wanted to clarify</p> <p>16 that.</p> <p>17 I don't have any other questions at this</p> <p>18 time, Ms. Boyd, and I thank you for your time.</p> <p>19 EXAMINATION</p> <p>20 BY MR. FERICH:</p> <p>21 Q I just have a few questions for you, Linda.</p> <p>22 A Okay.</p> <p>23 Q Going back to Exhibit 12 and 13, which</p> <p>24 were -- the letter from NIBCO was Exhibit 12 and the</p> <p>25 return authorization was Exhibit 13. It's this</p>
<p style="text-align: right;">Page 111</p> <p>1 Q Okay. What do you recognize this to be?</p> <p>2 A This is, I believe, the one that we found.</p> <p>3 THE WITNESS: Is it not?</p> <p>4 MR. FERICH: I can't respond.</p> <p>5 THE WITNESS: I'm sorry.</p> <p>6 BY MR. WESLANDER:</p> <p>7 Q I know that you may be thinking that this</p> <p>8 has a similar letterhead to one of the earlier</p> <p>9 exhibits that we've looked at.</p> <p>10 A There was one that had --</p> <p>11 Q It's similar to Exhibit 10 perhaps, correct,</p> <p>12 which I'm showing you as far as the look of it?</p> <p>13 Exhibit 10 at the top is marked evaluation response</p> <p>14 letter. Do you see that?</p> <p>15 A Yes.</p> <p>16 Q And then this one is --</p> <p>17 A Return authorization.</p> <p>18 Q Right.</p> <p>19 Does that refresh your memory or cause you</p> <p>20 to think about the document differently at all?</p> <p>21 A I don't recall.</p> <p>22 Q Okay. Do you see there it's listed -- I'm</p> <p>23 looking halfway down the page. It's listing a return</p> <p>24 quantity of three lengths of red tube?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 113</p> <p>1 letter, these two documents, which prompted you to</p> <p>2 send back the piping lengths that you sent back,</p> <p>3 correct?</p> <p>4 A Correct.</p> <p>5 Q And in response to that mailing you</p> <p>6 received --</p> <p>7 MR. WESLANDER: I think it's 10.</p> <p>8 Q -- Exhibit 10, the evaluation response</p> <p>9 letter?</p> <p>10 A Correct.</p> <p>11 Q Okay. And that's the document that says --</p> <p>12 A It was not defective.</p> <p>13 Q -- this tubing was not found to be factory</p> <p>14 defective, correct?</p> <p>15 A Correct.</p> <p>16 Q Okay. Going back to Monroe piping, did you</p> <p>17 hire Monroe piping or speak with Monroe piping at any</p> <p>18 point?</p> <p>19 A No, I did not.</p> <p>20 Q Did you have any input at all in selecting</p> <p>21 the plumbing that was put into your home initially?</p> <p>22 A No.</p> <p>23 Q Earlier Eric asked you about -- or Mr.</p> <p>24 Weslander, I should say, asked you about a warning.</p> <p>25 Did NIBCO ever provide you anything about its product</p>

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<p style="text-align: right;">Page 114</p> <p>1 directly or indirectly, its plumbing product?</p> <p>2 MR. WESLANDER: Object to the form.</p> <p>3 A No.</p> <p>4 Q I'll rephrase that.</p> <p>5 Did you ever receive anything from NIBCO,</p> <p>6 either directly or indirectly, regarding its plumbing</p> <p>7 products that were initially installed in your home?</p> <p>8 A We did not. It would have been nice to</p> <p>9 have, but we did not.</p> <p>10 Q Okay. Did Adams Homes give you any</p> <p>11 literature or materials from NIBCO?</p> <p>12 A No.</p> <p>13 Q Was there any warning on the products</p> <p>14 themselves, the NIBCO products?</p> <p>15 A No. That would have been nice, to have</p> <p>16 something on the pipe themselves or a booklet at</p> <p>17 closing or something.</p> <p>18 MR. WESLANDER: I move to strike everything</p> <p>19 beyond no as nonresponsive.</p> <p>20 MR. FERICH: On what basis?</p> <p>21 MR. WESLANDER: It's a narrative response to</p> <p>22 a yes-or-no question.</p> <p>23 MR. FERICH: I'll re-ask the question.</p> <p>24 BY MR. FERICH:</p> <p>25 Q Ms. Boyd, did NIBCO provide anything to you</p>	<p style="text-align: right;">Page 116</p> <p style="text-align: center;">C E R T I F I C A T E</p> <p>1 STATE OF ALABAMA)</p> <p>2 COUNTY OF BALDWIN)</p> <p>3 I do hereby certify that the above and</p> <p>4 foregoing transcript of proceedings in the matter</p> <p>5 aforementioned was taken down by me in machine</p> <p>6 shorthand and the questions and answers thereto were</p> <p>7 reduced to writing under my personal supervision, and</p> <p>8 that the foregoing represents a true and correct</p> <p>9 transcript of the proceedings given by said witness</p> <p>10 upon said hearing.</p> <p>11 I further certify that I am neither of</p> <p>12 counsel nor of kin to the parties to the action, nor</p> <p>13 am I in anywise interested in the result of said</p> <p>14 cause.</p> <p>15 <i>Julia S. Isenhower</i></p> <p>16 JULIA S. ISENHOWER, CCR, RPR</p> <p>17 ACCR #11</p> <p>18 Registered Professional Reporter</p> <p>19 and Commissioner</p> <p>20 State of Alabama</p> <p>21 My commission expires 6-29-2019</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 115</p> <p>1 whatsoever that identified that there might be a</p> <p>2 problem with their plumbing?</p> <p>3 A No.</p> <p>4 Q Okay. And did NIBCO ever inform you about</p> <p>5 any issues with the products, their plumbing</p> <p>6 products, that were installed in your house?</p> <p>7 A There was no indication of anything in our</p> <p>8 closing packets or anything, no.</p> <p>9 MR. FERICH: I have nothing further.</p> <p>10 MR. WESLANDER: Nothing further here. You</p> <p>11 have the opportunity to review and sign.</p> <p>12 MR. FERICH: We'll read and sign.</p> <p>13 (Deposition concluded at 11:27 a.m.)</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 117</p> <p style="text-align: center;">C E R T I F I C A T E O F W I T N E S S</p> <p>1 I, LINDA BOYD, do hereby certify</p> <p>2 that on this, the day of 2017, I</p> <p>3 have read the foregoing transcript and, with</p> <p>4 corrections attached hereto, if any, it constitutes a</p> <p>5 true and accurate transcript of my testimony taken on</p> <p>6 oral examination on January 11, 2017.</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12 LINDA BOYD</p> <p>13</p> <p>14</p> <p>15</p> <p>16 Subscribed and sworn to before</p> <p>17 me on this the day of , 2017.</p> <p>18</p> <p>19</p> <p>20 Notary Public</p> <p>21</p> <p>22 My Commission expires:</p> <p>23</p> <p>24</p> <p>25</p>

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